

# Symposium of Juvenile Delinquency

Ralph S. Banay

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# A SYMPOSIUM OF JUVENILE DELINQUENCY

## *Preface*

The post-war period has brought many problems, but few have been more serious, more difficult of solution or more far-reaching in their effect than that of the youthful offender. With no hope of offering a pat answer to the question this poses for our lawmakers, the Editors of *QUARTERLY* have asked four experienced writers in the field to give their views to indicate the approach now generally being taken and to suggest the lines along which an effective solution may eventually be reached. It will be obvious that the questions that remain unanswered outnumber those our society has solved, but one can only hope that the mere presentation of them will produce salutary results.

**RALPH S. BANAY, M. D.**

The legal term juvenile delinquency is a euphemism for crime of the young. It is a constant and spasmodically increasing phenomenon which has been finding its way into public consciousness to an increasing degree. Civic and social leaders, jurists, sociologists, and educators put various reasons forward to account for its etiology and espouse different methods for its treatment. None of them take into account, however, in their entirety the complexities which enter into both causes and therapy. Perhaps the lack of a central agency created for the sole purpose of dealing with the problem of juvenile delinquency is responsible for this one-sidedness.

No national research institute exists in this field where adequate pooling of findings and cooperation on a large scale among the many types of agencies at work could be adequately coordinated. The need is greater than ever for the inauguration of a comprehensive and scientifically devised program for understanding and treatment of the transgressions of the law by youth.

The legal concept of a delinquent child varies from state to state. Excerpt from the Children's Court Act of New York State, enacted in April, 1923, reads:

"A delinquent child means a child (a) who violates any law or any municipal ordinance or who commits any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment; (b) who is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian, custodians or other lawful authority; (c) who is habitually truant; (d) who, without just cause and without the consent of his parent, parents, guardians or other custodian, repeatedly deserts his home or place of abode; (e) who engages in any occupation

which is in violation of law, or who associates with immoral or vicious persons; (f) who frequents any place the existence of which is in violation of law; (g) who habitually uses obscene or profane language; (h) who begs or solicits alms or money in public places under any pretense; or (i) who so deports himself as to willfully injure or endanger the morals or health of himself or others."

According to this definition, in New York State, any offense, from misdemeanor to homicide, (unless punishable by death or life imprisonment in an adult case) committed by an individual under the arbitrary age limit of 16 is considered an act of juvenile delinquency. The upper age limit of juvenile court jurisdiction is 18 in over three-fourths of the states, but in most of them it is concurrent, not exclusive, over the age of 16, and in some states under that age. In some jurisdictions the age is different for boys and girls, in some, the court has concurrent jurisdiction to 21. In the United States district courts a special juvenile procedure is followed for youths up to the age of 18.

The Children's Court Act of New York and of many other states seems to recognize the limited responsibility of a person under 16, but embodies a philosophical contradiction in case of the most serious offenses. Should a youth commit such an act he is held as accountable as if he were an adult. This age of criminal responsibility may extend down even to the age of 12 in some states. The Standard Juvenile Court Act, published by the National Probation and Parole Association provides for exclusive jurisdiction, regardless of the offense, up to 16 with a waiver provision in serious cases over that age.

The apparent philosophy behind statutes concerning juvenile offenders is that a child has not reached a degree of intellectual and emotional development that would qualify him as fully responsible for his act. When the offense is too obnoxious or repugnant, however, complete responsibility is placed upon the child and he must face the full weight of the law.

The legal code based on pure abstraction deals with the nature and quality of the act, is concerned with the establishment of guilt and the inflicting of retribution upon the guilty and the protection of society, leaves no tenet open for the nature and genesis of the behavior. The interest of the medical profession is to establish the factors in the structure and function of the human organism which brought about the aberrant behavior, and to attempt to deal with delinquency within its own discipline according to medical psychology.

A child at birth not only has none of the social characteristics of an adult, but it has been observed that he more readily reacts to noises made by the motion of objects than to the human voice. Early, however,

the child not only becomes cognizant of the human beings about him but learns to play a role in relation to them. He discovers that by crying he can get attention and satisfaction from the persons who surround him. Thus a psychological pattern of self-centeredness is built up. As the child grows older, he is made aware of the necessity of repressing or otherwise dispensing with some of his own wishes in order to behave in a manner required by his associates. Normally this "giving-up" produces hostility and aggression which subside if the child receives adequate emotional satisfaction from the adults who are providing his discipline. If he does not, then during later childhood and adolescence he shows the persistent, aggressive, self-indulgent and rebellious attitude of the thwarted child, and his behavior often takes the forms which the law characterizes as delinquent. *Delinquency, then, is the result of an attempt on the part of the child, to maintain an emotional balance.*

#### *Early Reactions*

The examination of the elements in the developmental history of the child and focusing on the genesis of the disturbances in the personality is the primary task of the medical psychologist considering juvenile delinquency.

The process of birth itself can be a traumatic experience that may have a far-reaching effect upon the personality. Being wrenched from a region of darkness and warmth into a region of light and cold, as occurs in that process, gives the individual his first sense of insecurity. In the first weeks and months of the child's life this basic anxiety arising out of his elementary feeling of insecurity can be increased or decreased, according to the treatment he receives.

During the first five years of life—the preschool age—the child is almost entirely dependent upon its mother for the satisfaction of physical and psychological needs. The extent and manner in which these needs are met condition his personality pattern. The frustrations of the adult—about which we hear so much nowadays—may have had their roots in a very early frustration, while the individual was a nursing infant at its mother's breast: he may not have had enough milk, or he was weaned too soon, or he was frustrated in some other way. For this reason, modern ideas in child training stress the need to encourage the child through its transitional periods (learning to walk, to eat solid food, to control evacuations) rather than to push it forward by punishments and prohibitions.

The mother may be said to represent to the infant the satisfaction of his natural drives. This being so, anything or anyone interfering

with the child's attempts to obtain the attention of the mother (that is to say, the satisfaction of his biological needs and desires) meets with resistance. The father, or his surrogate, is that first interference with which the child meets. To the child, the father represents authority. An equation may be made: Father = Society. The child's first instinctive reaction to this influence is to resist it. And it is this resistance to the modifying influences upon his ego—the biological self—that must be integrated if the child is to grow up to be a social individual rather than an anti-social one in his behavior.

For many generations it has been realized that early physical neglect will produce ill health and poor physique. During the last fifty years it has come to be realized with equal certainty that emotional deprivation in the child will result in psychological insecurity and future emotional maladjustment.

It appears, from comparative surveys made in this field, that the most favorable circumstances for the development of a satisfactory parent-child relationship are those that may exist in the so-called normal home—that is, one in which dwell a man and wife with their offspring. While this is the arrangement apparently most conducive, within this society, to the growth of psychologically sound children, it is by no means a guarantee, for between such parents innumerable tensions and conflicts may exist that are likely to affect the children. On the other hand, the so-called broken home—that is, one that has been split by death, desertion, or divorce or one in which the man and woman are not married, or are not the parents of the children—is the breeding ground of maladjusted boys and girls. The explanation is pretty obvious. Adults within these broken homes are likely to have been emotionally affected by the circumstances that caused the split, or the breakup may have been caused by their original maladjustment. In any case their own emotional instability will be projected upon the children.

Parents harassed by the economic and emotional stresses arising out of a too-numerous family are ill equipped to give their children a sense of security and have no time to provide this necessary guidance in social behavior.

The unwanted child, the child who feels himself to be an encumbrance, is likely to feel rejected, not only by the family but by society, and he may find compensation in aggressive behavior.

The child's first contacts with society are within the family group. Besides the child's parents, there are his brothers and sisters to be taken into account. And serial position within the family has been suggested as having some bearing upon social maladjustment. This may

become significant if he is among the early desired children or the later unplanned and unwanted ones. His arrival may coincide with an economic depression in the family. Even the manner of weaning may have significance.

Mental disturbances in parents may be expected to have some influence on the personality formation of the children. Statistical studies have brought out the fact that in the background of children with problem behavior a history of psychosis in the mother is more frequent than is a history of psychosis in the father. But no broad conclusions may be drawn from this. The fact has no immediate significance except that if the mother's psychosis occurs during the infancy of the child, it requires her institutionalization or absence, and hence may have the same effect as a "broken home." Should the insanity of the mother occur later on, the question still remains as to how long the child is exposed to the psychotic behavior of the parent, and how the parent-child relationship was disturbed by the invalidism or the institutionalization of the parents. A frequent finding among social deviates is the presence of an excessive emotional tie with one of the parents, usually the mother, while at the same time there is an absence of even a rudimentary relationship with the other parent.

When overprotection by the parent is exercised in a dominating way, the child frequently loses his self-esteem and independence, becomes submissive to an exaggerated degree. When it is manifested in too much indulgence, the child is likely to become exaggeratedly selfish, bullying, and self-asserting to the point of aggressiveness. The aggressive actions of the child will show themselves first in resistance to the authority of the other parent. And this may lead to resistance to the authority of society: in other words, to delinquent acts.

Interference with sound sexual development of the child is probably the most powerful influence for displacement of aggression. During the period of infancy, sexuality is rather marked and manifests itself in auto-erotic practices, the whole body being a sensory organ. Sensations of pain and pleasure being perceived throughout the body will activate a very intensive response in the infant almost equivalent to the sensation which later becomes localized in the genitalia. From the age of five or six to puberty, there is a latent sexual period when the average child is virtually free of perceptions of and reactions to erotic stimuli. He recognizes the fact that obstacles have arisen in the free expression of erotic urges. The child internalizes this restraint and accepts the standards regulating sexual conduct. If these restraints are applied harshly, the individual child views first his family and then the

larger community as being hostile and frustrating. Thus he may remain fixed at the level when his whole body was a sexual organ, technically called infantile narcissism. Being compelled to repress his infantile cravings, this type of child is preoccupied with the constant pressure of his instincts and is incapable of spending the years of the latency period in the acquisition of those necessary personality traits without which he cannot stand the onslaught of puberty when his repressed and renewed sexual instincts take on additional urgency and violence. Fixation (or regression) in psychosexual development may manifest itself in straight sexual delinquency, which may be characterized as: (1) infantile sexual trend; (2) infantile choice of sexual objects, and (3) a sadistic type of sexuality acquired in infancy.

### *School Age Development*

At the age of five or six, virtually every child in this country is compelled to start to adjust himself to the rigors of mental training and group discipline. Entirely new demands are made upon the youngster. He is required to attain certain standards of mental achievement and classroom behavior. He must seek to find acceptance among his schoolmates, if he is to be well adjusted. Failure to achieve these ends often results in neurotic attempts to substitute satisfaction. These compensatory activities are likely to be aggressive; the child, if frustrated, is hurt and ashamed when he cannot obtain the approval of his teachers and classmates. He may start by merely becoming a truant, spending his time away from school, seeking pleasures as balm for his wounds. However, the desire to win the acceptance and distinction he cannot achieve at school may propel him toward daring delinquent activities.

Defective adjustment to the group appears very early in life. It manifests itself in a failure to establish satisfying social relationships in school and, in some cases, in a consequent inability to fulfill minimum educational requirements.

Rivlin blames teaching procedures for many cases of retarded adjustment, and lists these as follows: exaggerated importance of marks, overemphasis on speed, confusion of ignorance and misconduct, overemphasis on subject matter, unnecessary homework, and examinations.

C. M. Louttit summarizes our education program in these words:

In spite of years of experience, experiment, and efforts of leaders of progressive education, which thinks of the child as the center of the school . . . the teachers teach the three R's, not children. School advancement is based upon marks. . . . The frustrations inherent in trying, but failing, to meet standardized requirements are so potentially great that one wonders how many children ever finish school at all.

The recent survey of conditions existing in the American public school system, carried out by "The New York Times", disclosed some shocking facts. It showed that 125,000 teachers are at present employed on emergency or substandard licenses: that is to say, 15% of the total teaching body, or 1 out of every 7 teachers. Before the war, only 2,300 teachers, or 1 out of every 400, held substandard certificates.

Not only is the adequate training of the teacher an essential, but the health and personality of the teacher, her own adjustment to society, are all of prime importance. Barr, Burton, and Brueckner conclude:

Such factors as lack of fitness for teaching, inferior intellectual ability, poor academic training, and unwholesome personality traits should . . . be given more careful attention at the time of admission to teacher-training institutions or at the time of selection for appointment to a position in the school system, and that, when such teacher factors interfere seriously with the growth of the children and it appears that they cannot be corrected by competent supervision, the teacher should be replaced.

On the delinquent's case record his I.Q. is always mentioned. Yet the validity of the Binet tests rests mainly on their high correlation with teachers' judgments and grade standing. It becomes legitimate to pose the question: Are school efficiency and social fitness the same thing? Obviously, only when the quality of the teacher as a well trained, and normal personality is assured can that teacher's pronouncement on a child's intelligence be taken as an infallible judgment.

The school and the school staff are important factors in the child's early development. But it must be remembered that teachers are a part of the community, and are to a certain extent themselves affected by the community environment.

The subject of the school environment and proposed reforms cannot be dismissed before the subject of the curriculum is broached, and particularly one feature of it that is noticeable by its absence or inadequate treatment: factual sex instruction.

Inhibitions on the sex urge are imposed by laws that seek to interpret the needs of the community and the protection of it. Delinquent acts have as their source, all too frequently, sexual ignorance and frustration. Where does the child in modern society receive his instruction in sex and sex hygiene? Not, certainly, in the average school.

At a recent conference of American social hygiene executives, the Assistant Superintendent of Schools, Frank D. Whalen, courageously advocated a program of sex education which will probably be introduced in New York City. He expressed some very sane ideas on the subject.



He does not envisage a separate program devoted solely to sex education. Such programs exist in some schools: they consist largely in moralizing and in issuing warnings of possible danger. Mr. Whalen thinks sex instruction can and should be integrated in the usual program of education, with carefully trained teachers giving family life and sex instruction related to their particular subjects as the necessity arises. The study of anatomy, physiology, hygiene, and other subjects would simply no longer leave unmentioned the major subject of sex; and the sex factors being mentioned, they would be elaborated and discussed frankly.

The chief objection a thoughtful person might make to such a project would relate to the difficulty of finding completely well-trained and well-balanced teachers to carry out such instruction.

Closely related to the proposal for sex instruction in schools is the factor of coeducation. One of the most important adjustments to be made in the adolescent period is that towards the opposite sex. The normal sexual development from infancy to adulthood has three psychological phases: autoerotic, in infancy; subconscious homosexual in preadolescence; and heterosexual finally through adolescence and maturity.

Observations on a group of California junior-high-school students indicated that adolescent girls show a stronger heterosexual drive than do boys of the same age. In other words, boys and girls are not well matched in early adolescence in regard to sex interests and social activities. This being so, the wisdom of putting boys and girls together in classrooms and playgrounds at this crucial period may be seriously questioned. In no other country except the United States is coeducation of children and adolescents the rule. At any rate, one would like to see more careful correlation of American and European findings on delinquency in early adolescents with this basic fact of school conditions of the two sexes.

The child who has felt unwanted at home, who has been unable to identify himself with his schoolmates, drifts naturally into a gang. (In fact, if he lives in a neighborhood where gangs flourish, he is practically obliged to join a gang for self-protection). The gang is outside the pale of society and sets itself against society. It conditions young boys towards a destructive pattern of life instead of making them useful members of society. By furnishing them with an organization planned to provide excitement, the gang makes later adult social adjustment difficult, for ordinary life by comparison is drab and uneventful. The weakling, either physical or mental, unable to defend himself

as an individual, seeks the combined strength of others. He finds it in the gang. And the solidarity of these groups is enhanced with every "job" with every victory over a like group or over society. In "delinquency areas" playgrounds are scarce, and gangs flourish.

Analysis of life histories of delinquent boys reveals that the collective experience of the gang serves as a source of knowledge in the techniques of delinquency and stimulates the formation of the attitudes and interests of the persistent delinquent. The gang is a sort of school for delinquents. It appeals to boys as an escape from a humdrum existence and provides not only satisfaction for the basic needs of prestige, recognition, and emotional security, but also an outlet for aggressive trends.

### *Poverty*

Anti-social behavior has purpose and meaning for the individual who exhibits it. An adaptation to the environment motivated by innate or secondary drives, it grows out of the interplay of physiological, psychological, and environmental factors.

Occupation and income are of primary importance in determining the physical and sociological conditions of family living. Therefore, they exert a direct and indirect influence upon the behavior of the children. Judging from several studies, it appears that delinquency is most frequent among children of the lower and lower middle classes. For instance, the occupational distribution of parents of 761 delinquents in New Jersey was compared with the distribution of all male and female workers in a selected community in 1940. In the sample of delinquents, a significantly smaller proportion of parents were in the professions or working as proprietors, clerks, sales personnel, craftsmen or in non-domestic services than the proportion distributed through the general population. A significantly larger proportion were factory operatives, W.P.A. workers, other kinds of laborers and domestic servants.

A survey of boys in Chicago, who had been habitually truant and had found difficulty in adjusting to regular public schools, revealed that 80% of the boys lived in the lowest rent areas of the city and that most lived in deteriorating neighborhoods, where delinquency rates are highest. Of the 438 homes represented, 75 were entirely dependent upon charity and only 79 were entirely self-supporting. The families of 96% of these children (who had been enrolled in special schools during 1936) were known to social agencies; 82% were on relief; and 53% were known to the courts.

Negroes, the preponderant majority of whom are found in the lowest socio-economic strata of society in both urban and rural communities

in the United States, have comprised 20% to 27% of the juvenile delinquents in this country since 1929 although the total Negro population accounts for only 10% of the general population.

Statistics show that native-born sons of foreign-born parents show higher crime rates than native-born sons of native-born parents. A tentative interpretation of this fact states that it is due to the tendency of the former to be segregated on that income level which has a high crime rate rather than to cultural maladjustment.

Numerous interpretations may be advanced to explain the degree of association between the incidence of poverty and high delinquency rates. A correlation suggests a causal relationship. Such an assumption is perhaps a simplification and stands up only after careful review of other conditions and how they are affected by the primary influence of economic limitation. The so-called "delinquency areas" are clearly inhabited by families of the lower and lower middle classes. It may be that delinquency as well as family disorganization and other forms of social disintegration, such as the lowering of ethical standards, the lessening of community responsibility, and the flourishing of organized vice, has its roots in the frustrations that occur as a result of poor economic and living conditions. On the other hand, delinquents and their parents may be found in the lower brackets by virtue of insufficient ability and aggressiveness to procure positions that would raise their social standing. The fact that more well-to-do parents often send their problem or delinquent children to private schools or other private institutions, thus keeping them out of the courts, may also affect the reported delinquency rate. To appraise the relationship between delinquency and income, an evaluation of all other aspects of the physical, social, and ideological atmosphere is necessary.

It may be found that poverty appears with disproportionate frequency in the background of delinquents. Yet not all children from homes in bad economic straits become delinquent. Therefore, some other special conditions or influences which increase or decrease the effects of poverty should be searched for. Poverty itself, according to clinical evidence, can be the result of deep-seated psychological factors. These can be, for instance, persistent self-denial, monastic cravings, ascetic aspirations springing from a sense of guilt, or a desire for purification.

Economic condition tends to vary widely for many families over a period of years owing to the larger outer cycle of depression and prosperity periods and the inner cycle of personal success and failure in income producing ventures. The delinquency statistics are inadequate for cor-

relation of their fluctuation with the state of the national economy. Superficially it appears that the effect of the prosperity-depression cycle varies from section to section for reasons that are not immediately discernible. The effect of family economic fortune and misfortune has not been studied enough to permit any generalizations about delinquency.

Within any particular city there exist areas which consistently produce a greater proportion of delinquent children than do the other communities. These so-called "delinquency areas" are inhabited by families on a low income level. In Chicago, for instance, the rates of delinquency for many years have remained relatively constant in the areas adjacent to centers of commerce and heavy industry, despite successive changes in the nationality composition of the population. Communities high up in the economic and social hierarchy of a city have the lowest rates of delinquency. There adequate opportunity is offered to young people to make the personal contacts that facilitate advancement in the careers they may pursue and the acquisition of material possessions identified with success. Furthermore, parents have the time to plan social activities, through which their children form healthy social relationships. Social security and prestige, so vital to social adjustment, are hard won by children of the poor. Often the struggle is too taxing because of constitutional inferiority or restricted opportunities, or both, and they turn to delinquency for compensating successes.

A high rate of delinquency seems to be characteristic of areas whose social organization is completely haphazard or in a state of flux; while conversely, well organized communities seem to have a very low incidence of crime and delinquency.

An ideally organized community is one whose structure adequately serves the needs of its inhabitants. It is founded on the basis of majority interest in the community welfare expressing itself through the participation of its citizenry in projects furthering that aim. Its industry and commerce, plus the community demand for services, provide employment for all those who wish to work, with a financial return adequate to procure the necessities and comforts of life. Housing is adequate to permit all individuals their desired privacy and companionship, as well as shelter from the elements. Schools can accommodate the children without overcrowding, and curricula are offered to allow any young person to realize all his potentialities. Facilities and leadership for physical and social recreation are available and popular. Social welfare agencies and medical clinics are adequately staffed

equipped and subsidized to care for the community. There are a sufficient number of leaders and counselors trained to help people with personal and family problems. The police force serves the common interest by protecting the lives and property of the residents; and the aim of the correctional system is to rehabilitate rather than punish. social deviates.

Those communities whose social organization is farthest removed from this ideal seem to have the highest delinquency rate. Studies of 21 American cities, carried on over a period of twenty years, reveal that the incidence of delinquency is correlated with areas lacking even rudimentary social organization, and especially with changes in population, inadequate housing, poverty, presence of Negroes and foreign born, illegitimate births, tuberculosis, mental disorders and adult criminality.

In many low-income areas, delinquency has developed in the form of social tradition, inseparable from the life of the community. The child early comes into contact with these attitudes often through the family or gangs. He follows in his family's footsteps or is attracted by the gang because they offer social acceptance, security and opportunity for a career, which he might not find in a non-delinquent social group. By participating in the family's or gang's activities the child learns, or improves upon previously learned techniques of stealing, for example, and forms binding relationships with his companions in delinquency. The approbation and esteem of his fellow delinquents become vital to his security. He may view a career in crime as one that promises economic gain and other rewards, which an American youngster learns about through media such as the detective, crime and murder story, and seem desirable and attainable. The existence in the community of a social group which practices delinquency and crime attracts young people to this form of activity.

### *Personality*

In ordinary life, we measure the personality of one with whom we come in contact by his opinions, prejudices, imaginative qualities, and attitudes. But our judgments are necessarily vague and superficial. The psychiatrist, teacher, and social worker, on the other hand, must proceed with greater caution in measuring the child's personality if they are to make any useful efforts in classifying and modifying. Various tests exist that enable them to proceed along such lines, and it is now possible to measure with almost scientific exactitude the personality of the child. In recent years much pioneer work has been done in an

effort to distinguish the characteristics of the delinquent child, and to isolate at an early age the potential delinquent for modifying treatment.

In a series of carefully controlled tests, Durea reports that juvenile delinquents of all ages were found to be emotionally retarded as measured both by total scores and by the scores on separate tests, using norms for non-delinquents as a basis for comparison. Among 180 delinquent girls, aged 15-18, the responses to Test I showed outstanding emotional retardation. Male delinquents revealed their emotional immaturity most clearly by responses to Test IV. Among the female delinquents, the responses to questions concerning their interests (Test III) gave least indication of their emotional immaturity; while responses to questions concerning worries and anxieties (Test II) gave least indication of emotional immaturity among the male delinquents.

Results of these studies indicate that the extent of emotional retardation tends to increase with chronological age in delinquents; however, only an insignificant relationship is found between emotional maturity and the degree of delinquent behavior.

The correlation of immaturity with delinquency was borne out by the discovery that misconduct in an institution of 73 delinquent boys was less serious for those showing high maturity on the questionnaire sampling their attitudes toward 30 situations (similar to those in which they had misbehaved) than for those showing less maturity. Protodelinquents and delinquents were found to be inferior to nondelinquents in social maturity and in general stability when tested by Brown's Personality Inventory for children and by Furfey's Revised Developmental Age Scale, as well.

Judging from the responses that have been standardized as best differentiating delinquents from nondelinquents, certain personality traits characteristic of emotional immaturity and neurosis become evident in the delinquent make-up. The essentially egocentric or infantile character of delinquents is revealed by the fact that they reserve little admiration or preference for people who are cooperative and considerate. Rather, they are attracted by the superficial attributes of good looks, fine clothes, and much money.

A pronounced morbid or neurotic strain is indicated among delinquents by their preoccupation with sins, family relationships, death, and dying. Evidence has been offered that the severity of the neurotic tendency increases from the less to the more seriously delinquent boys. This was concluded from the findings of a study made of a group of 316 delinquent boys. They showed a greater sensitiveness to anger and fear states, and a susceptibility to anxiety states. On the other

hand, the more seriously delinquent expressed less sensitiveness to things considered wrong, but this was attributed to their having become more habituated to acts of malefaction. In spite of this desensitization, there is apparently a direct correlation between seriousness of delinquency and the degree of neurotic tendency or emotionality.

Neurotic personalities may find their release in exaggerated aggressiveness, rather than in inhibition and withdrawal, as has already been said. It has been observed that neurotics who are delinquent tend to be more active, energetic, outgoing, and aggressive than neurotics who are nondelinquent. These tend to be more introverted, solitary, and submissive. Delinquent activity may itself be an aggressive and rebellious attempt at a solution to a neurotic conflict.

Other neurotic symptoms such as hypochondriasis reveal themselves among delinquents. Numerous inmates of a federal reformatory were reported by the physician as attending sick call with unwarranted frequency. They were compared with an unselected fraction of the institution's population and found to be significantly more often maladjusted to their fathers and more difficult to handle in confinement.

A high incidence of enuresis was found in a group of 25 delinquents. Sexual aberrations, too, are often associated with delinquency and there is evidence to support the idea that they have a common source. In 12 cases of juveniles accused of sexual deviation, there was a history of disturbed parent-child relationship—either too much protection, care, and guidance, or rejection and personality maladjustment. Some boys with abnormal fixation on the mother came to regard any heterosexual activity as "unclean"; hence they were predisposed to adopt homosexual activities as the only normal sexual expression.

Infantile standards of behavior—that is, emotional immaturity—are essentially asocial or antisocial. They are retained when emotional conflicts preclude the existence within the individual of those conditions necessary for social maturation.

Tests have been conducted to determine whether attitudes of lack of concern for others, absence of group identification, revolt, rebellion, and aggression are harbored more commonly among delinquents than among the general population. In a delinquent group of 100, the individual ego was most important, and a psychological inflexibility was manifested. The ability to compete in a socially acceptable manner was lacking; destructive criticism, particularly of the opposite sex, was frequently expressed. Aggressiveness was prominent in some, manifested sometimes in lies and gossip, but most frequently shown by

actual physical measures. Respect for authority was usually absent. Cliques set themselves apart in order to hinder the efforts of the major group. They minimized their own faults and exaggerated the faults of others. Many of them were apathetic and did not care to compete except on their own terms. This might be considered a defensive attitude, indicating a deep-seated feeling of inferiority. The general picture was that of infantile egocentrism and rebelliousness. In order to discern these attitudes, the 100 delinquents were compared with a control group in their reactions to puppet and drama techniques and story-telling.

The essentially asocial mode of thought and action common among delinquents is further substantiated by responses offered by delinquents to questions concerning their concept of wrongdoing. Antisocial habits and practices such as being conceited, being a snob, and approving of bribery did not figure outstandingly on the list of attitudes considered wrong by the delinquents; but such activities as carrying weapons, belonging to a gang, playing cards, being in prison were characteristic of the delinquent's conception of the immoral. Obviously, the latter of these activities comprise practices and institutions about which every child has been warned. It is natural that they should be noted as wrong on a test administered by authorities. But the absence of recognition that it is undesirable to bribe, brag, or snub indicates an infantile social orientation.

The conclusion that may be drawn from the results of these tests is threefold. The persistence of antisocial and asocial attitudes and behavior beyond the first five years may sound a warning note that an investigation of individual and environmental factors is needed. Social maladjustment often reveals itself in the first social contact outside the family. And if the child is not helped to readjust, he may express himself in delinquent conduct later on.

### *Leisure Time Activity*

Playgrounds, although still too scarce, do exist, and in many communities recreation is supervised and games are organized. Social groups such as the Boy Scouts exist, in which the child's leisure hours are supervised and turned to some account. Public libraries flourish in America as in no other country, and the reading of juvenile subscribers is carefully organized and supervised.

The maladjusted child apparently prefers to escape these limitations. He prefers the street to the playground, the gang to the athletic club, and there are no laws to prevent his spending all his leisure



moments at the corner candy store or the neighborhood moving-picture house. As for his literary diversions, at every newsstand he can pick up for a few cents all the "comic" papers or crime and mystery stories that he desires.

Now the producers of moving pictures and the publishers of crime literature contend that gangster and Wild West films, crime and mystery stories, have a salutary effect. According to them, there is a vicarious fulfillment of drives to excitement and aggression which acts as a catharsis. The child, witnessing or reading about outlaw activities, is purged of the need to commit such acts himself. However, since the most avid readers and observers of these tales are among those children who have a delinquent background, it may be assumed that the alleged catharsis is ineffective and unreal.

The effect of moving pictures upon young people's minds is profound, judging from the time they spend discussing the films or utilizing them in their dreams. In a practical sense they are a source of information about a life yet unexperienced, that appears to be dramatic, eventful, romantic, and eminently desirable. And most movies—as the better critics of them often complain—are played down to the intellectual level of the early adolescent. Say what we will, the moving pictures, having become the most popular source of entertainment in America, may be said to reflect the values generally esteemed. What are these values, as exposed in the average moving picture?

Happiness is measured in terms of material accumulation, and masculinity in terms of nimbleness with knife, gun, and fist. Aggression and even murder are glorified by the subtle insinuation that in some instances it is justifiable to take the law into one's own hands. The glorification of raw power and lawlessness in Hollywood moving pictures is excessive. The youthful observer thrills at the sight of the reckless hero brutally punching and clouting his equally ruthless adversary, overcoming him with a well-aimed whiskey bottle, rushing disheveled but victorious into the waiting arms of a ravishingly beautiful, sleekly attired young woman, who thoroughly impressed with his virility, promptly falls in love with him and promises to be his for the rest of her life.

Go to almost any neighborhood moving-picture house any afternoon and listen to the youngsters shriek and shout with excitement and glee at such scenes; or watch their tense faces as they sit, gripped in suspense, during a sequence of mystery and crime. Glamor and romance pervade the scene. The villain is reaping rewards in power,

wealth, and love. Agreed: because of censorship, the producer is obliged to remember that crime is supposed not to pay. So, at the end of such pictures, a few policemen appear, and after a harrowing pursuit, the gangster is apprehended. But no attempt is made to show the actual aspect of the gangster's life in the next few years. There are few realistic sequences of trials or imprisonment. The child leaves the picture unimpressed by the slight implications of eventual punishment. On the other hand, he carries away with him all the vivid details of the gangster's exciting and glamorous existence—before the arrest.

Such a film will usually be followed by a "comic"—and the animated cartoons are a great favorite with the young audience. Still thrilling to the excitement of a gangster's life, they stay on to watch with glee the antics of Donald Duck. The essence of the humor of such films is sadistic. The youngsters shout with merriment as Donald repeatedly is victimized. He falls through space, lands in accordion fashion on a rock, which he picks up and lets fall on his toe, after which he looks up only to be hit on the head with a cocoanut hurled by an unseen foe. And so on, ad nauseum.

When the children leave the theatre, what have they learned? They have learned how to plan a murder, how to dissimulate, how to win a woman, or how to rob a bank. They have learned to thrill at lawlessness, and to laugh at misery.

But these are not the only dangers. No skill and scarcely any imagination is required of the child in these long hours of leisure spent at the moving pictures. And those hours might otherwise be better spent in constructive group play, which teaches the child to enjoy his friends and be enjoyed by them, which challenges his imagination, exercises his body, and perhaps introduces to him new arts and crafts and games that may become a lifelong source of pleasure.

Is there actually any connection between delinquency and an addiction to tales of mystery, sadism, and crime? Careful observers have come to an affirmative conclusion in the matter. Interrogation of delinquents shows a strong preference among them for crime and mystery stories as a form of entertainment.

A survey made in four Chicago neighborhoods having a high delinquency rate confirms this. The survey disclosed that a large percentage of the children in high-delinquency areas favored radio crime and mystery stories; while comedians and variety hours were preferred by boys and girls living in an area having a low delinquency rate.

*Treatment and Prevention*

A new philosophy concerning the treatment of juvenile social deviates will only be accepted when the non-voluntary nature of their acts is more widely comprehended. A brief summary of modern concepts of human behavior is of use to this end:

(1) All behavior is purposeful, although the individual may or may not be conscious of the purpose that impels the behavior.

(2) A large part of what we do depends upon what we feel, not upon what we think. That is, behavior is more modified by the emotions than it is by reason.

(3) Back of every psychological event, there are others from which it develops and which give it meaning, so that all the acts of an individual fall into a logical procession.

We have all, at some time, been guilty of slips of the tongue or the pen which betrayed our suppressed thoughts and emotions; we have lost things or forgotten dates that we unconsciously wanted to forget or lose. We have all, at some time or other, explained to ourselves or to others some strange act we have committed by saying, "I don't know why I did it; but I felt like doing it." Thoughtful people are aware of the extent to which the pattern of their behavior derives from their earliest childhood experiences.

Most laymen, too, have had an opportunity to observe peculiar acts among their acquaintances. Many people, no doubt, can name a member of the immediate family or circle of friends who has suffered from a compulsion—harmless enough but apparent—that compelled him to commit certain repetitive acts that had no meaning to himself or to his environment. In spite of the realization of its meaninglessness, he still lacks complete control over its prevention.

For instance, it is a very common compulsion to investigate, upon leaving a house or apartment, whether the door was securely locked. At times, it is even justified to take a second look. But when it becomes an uncontrollable act to return repeatedly to try the door, with the complete knowledge that it has been previously ascertained to be locked, the peculiar act becomes what is technically known as a "compulsion." Acts of a similar nature may occur in a wide range of human activity—not always so harmless or insignificant. The feature that all such actions have in common is the complete inability of the perpetrator to prevent their occurrence. The sufferer is utterly helpless to overcome the onrushing impulse that moves him to these unreasonable manifestations.

One would be reluctant to label even the most bizarre compulsive act as a manifestation of insanity. However, when the symptom involves manifestations that are acts against, or threats to, the community—theft, sexual offenses, aggressive acts—the individual is called a criminal, and only the presence of insanity can legally absolve him, completely or partially, from responsibility for the crime.

The criterion for criminal responsibility in the courts still rests upon principles that ignore completely the existence of compulsive behavior. Only in cases where reality is distorted by delusions or hallucinations, and where there is an insufficient ability to recognize the difference between right and wrong, is the possibility of limited criminal responsibility admitted.

Almost a century ago Henry Maudsley said that "to insist upon the existence of delusion as a criterion of insanity is to ignore some of the gravest and most dangerous forms of mental disease." The statement is as valid now as it was a hundred years ago. But no practical recognition has yet been given it. Man conveniently believes himself to be controlled by reason. Therefore, it is difficult for him to accept the fact that where rational faculties are not impaired, responsibility for some acts may nevertheless be limited or absent.

The emotions mirror the real nature of the individual, and it is from their depths that the impulses to action spring. The function of the intellect is merely to guide and control—and it is many times powerless even to do that. Wherever a distortion of affect or feeling arises, there will be a distortion of effect—that is to say, of action. The individual attitudes and actions will be fashioned according to the degree of distortion of the feeling life.

Should the spring of action (the emotions) be distorted markedly, the intellect will be powerless to check or control morbid manifestations. An illustrative phenomenon with which we are all familiar is the one of a physical manifestation such as a "tic," or partial convulsion of the facial muscles, occurring in the presence of complete consciousness; yet the muscular convulsion is quite beyond conscious control.

It is pure atavism on the part of the court to insist upon the presence of insanity to reduce the extent of responsibility for the individual act. Furthermore, the mere knowledge of the difference between right and wrong cannot be sustained any longer as the sole criterion (almost) for full responsibility. This fact is especially true in cases of adolescents, where often incipient manifestations of mental disease can be detected only by an extensive, prolonged, and hypersensitive

observation. A twilight zone exists between the state of mental disease and mental health, wherein occur countless possibilities for inner explosion or catastrophe, manifest in antisocial behavior. How can this twilight zone be infallibly recognized, and all its factors appreciated, when we still use the clumsy and outmoded tools of the Stone Age in psychology or law enforcement! In most instances, in the cases of juvenile delinquents, we are not merely trying to close the door after the horse is stolen but after the barn has been burned down as well!

Present-day knowledge of the dynamics of human psychology make it impossible for the modern psychiatrist to reply dogmatically and categorically to a lawyer's question about symptoms of insanity in a defendant. Impulses, delusions, and the knowledge of right and wrong are no longer conceived as concrete entities that either exist fullblown in the personality make-up or are completely absent. With this new dynamic conception of behavior, the psychiatrist studies any segment of behavior in relation to the situation in which it occurred and with regard to the total personality pattern as conditioned by past experience.

The only efficient way to treat juvenile delinquency is through preventive measures. Preventive measures are of real use only when taken at the first sign of delinquent tendencies. Tests exist that disclose these signs. Applied by qualified psychiatrist in the early years of the subject's life, they can ward off delinquent behavior.

Present-day prevention programs abound. But they are not keyed to the early detection of maladjustment. They are not antiseptic treatments: they are but poultices applied to a wound already infected. The well-meaning efforts of these present-day programs for the prevention of delinquency are modeled on the old-fashioned dictum as to the devil finding mischief for idle hands. Their entire aim seems to be to keep children—and chiefly adolescent children—busy. They provide the child with a host of activities in the belief that if he is kept busy, he will have neither the time nor the inclination to behave in a delinquent manner.

It is the fashion of the day to place emphasis upon recreation, or upon the promotion of the love of sport and other competitive release. Such programs leave completely untouched the individual and his set of reactions to his environment, which might be too hostile, too complex, or too great a challenge to him. This is oversimplification and wishful thinking on the part of the ardent workers for child welfare.

Because of the fact that delinquency has been linked with slum

areas and poverty, there are some people who think that delinquency can be eliminated along with the slums. They bend all their laudable efforts toward slum clearance. The abolition of slums and the provision of more recreational facilities for the young are projects to which every social-minded citizen should lend his aid, both in words and deeds. But these isolated projects will not alone eliminate juvenile delinquency. Other measures must be taken in conjunction with these. The human organism is complex. Many intangible factors exist that may upset the delicate equilibrium that is called social adjustment.

Good will, sincerity, and enthusiasm are not enough, although they are assets to the expert and the well-trained. Alone, they can merely provide temporary relief to the child, like applying an icebag to the forehead of the fever patient. Their lasting effect is no more than that achieved in checking a faulty faucet by placing a vessel under it.

The reactions and personalities of seriously disordered and maladjusted children require careful observation before they can be brought to the state of emotional equilibrium where much benefit would be derived from a plan for organized recreation. Children with cardiac trouble are not urged to participate in basketball. In the same way, a seriously maladjusted child may actually derive more harm than good from some of the hail-fellow-well-met programs of present-day juvenile bureaus. Specific knowledge and training in understanding the human organism and its fundamental forces are prerequisite for the successful handling of individual differences in children. What is good for one may not be good for the many, and vice versa.

The funds that are spent on extensive recreational programs might better be utilized in other ways. More numerous and better-staffed consulting clinics should be provided for schools and neighborhoods; mental hygiene facilities should be provided for both children and parents; education for improved marital relationships and parenthood should be fostered; more schools and higher pay for teachers, as well as higher educational requirements for teaching staffs, are also a crying need.

We now have preventive medicine for physical diseases. We inoculate against infections that formerly were thought to be unavoidable. In former days the doctor was called in just one step ahead of the priest and but two steps ahead of the undertaker. The public attitude towards psychiatry is still arrested at that stage. The community must be brought to realize that the psychiatrist is not just one who ministers to the insane, but another doctor whose task it is to keep individuals in good health—in good mental health.

We recognize the complexities of the physical organism and the need, therefore, of qualified physicians to treat it. The complexities of human behavior are even greater. The causation of deviant behavior is so manifold that the interpretation of it requires mental preparation, patience, broad perspective, courage, and freedom from the restrictions of some accepted standards.

No well-meant community service or planned group activity for the control and prevention of delinquency can realize its fullest potentialities unless the total program is coordinated and psychiatrically oriented. Sporadic and localized attainments are ineffectual in handling the total aspect of delinquent behavior.

GILBERT H. F. MUMFORD\*

*Facts and Figures*

Among the many pressing problems confronting the English people at the present time none is giving more concern than the high incidence of Juvenile Delinquency.

In England and Wales during 1948 there were 71,998 Juveniles found guilty of offences. The expression "Juveniles" in this sense means those who have attained the age of eight but are not yet seventeen years of age. English law does not consider that a child, who is under eight years of age, is capable of forming the necessary *mens rea* to commit a crime, and consequently he cannot become the subject of a prosecution. Likewise, it is enacted, that a child of eight and under fourteen years of age may not be found guilty of an offence, unless it can be proved to the satisfaction of the court that, at the time that he committed the offence, he knew that what he was doing was wrong. This guilty knowledge can be proved in a variety of ways, but it usually takes the shape of evidence of the lad's running away after the deed is done, or of his hiding the proceeds of the crime. In spite of the fact that this additional evidence has to be proved, 37,889 children of the eight to fourteen group were found guilty in 1948.

In the annual statistics, cases which are *ab initio* triable before a jury are given special tables. These cases, usually termed "Indictable cases," contain some of the more serious type of offences. In all such cases excepting homicide, the juvenile of 14 and under 17 years of age can elect to be dealt with by the ordinary juvenile court instead of a jury, whilst those under fourteen years of age have no choice. This

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\* Clerk to the Justices, Borough of Luton, England.

right of election is hardly ever exercised, and it is interesting to note that, during 1948, the following figures obtained:

*Indictable Offences*

<i>(A) Dealt with summarily</i>		
<i>Age</i>		<i>Found guilty</i>
Of 14 and under 17		16,991
Under 14		26,715
<i>(B) Dealt with before a jury</i>		
Of 14 and under 17		716
Under 14		12
		<hr/> 44,434

This figure of 44,434 shows a rise of 24 per cent. above that of the year 1947, and 58 per cent. above that of 1938.

In the past year there has been much alarm at the increase, made apparent by newspaper headlines, a debate in the House of Lords and a conference called jointly by the Home Office and the Ministry of Education. This conference invited other local conferences to be held in all parts of the country in order that "local initiative and the pooling of local experience may do much to avert the evils which mar the lives of many who, given wise guidance at the right time, could be good citizens." This main conference, at which, amongst others, representatives of churches, local authorities, juvenile courts, teachers and voluntary organizations were present, came to certain conclusions respecting the causes of juvenile delinquency. But the basic causes of the present day increase seem to have escaped them.

The official statistics show without any shadow of doubt that the increase in indictable offences from 1939 to 1948 inclusive is not confined to the realm of juveniles—it is spread out over all the age groups. This being so there must be vital causes, over and above those usually attributable to juvenile delinquency which are also general to all groups.

One inevitable result of war was that the strength of the police forces was depleted. This depletion has continued steadily in the post-war years as many men did not renew their service, other employment offering them higher remuneration and prospects. If to this is added lack of suitable recruits and retirements, the present position will be seen to be serious. Where in former times uniformed officers constantly patrolled a district night and day, there are now many less men available for these duties. In addition to this the criminal investigation departments of police forces have been vastly overhauled, and science



has come quite considerably to their aid during recent years. Methods and records have been reorganized with the result that speed and ability in detection has greatly improved. The figures causing alarm are based on those found guilty of an offence. It is obvious that without the very real deterrent in the shape of the patrolling policeman, coupled with the greater efficiency in detection of the criminal there must be an increase in the number of those found guilty. As the figures for crime have increased, the police, who in earlier days had found a personal caution sufficient, found themselves bound to bring the offenders before the court.

Before turning to the usual causes of juvenile delinquency let us view this matter from just one other angle. It is apparent from statistics that the peak age for the young delinquent is somewhere between 12 and 15 years. The position of those juveniles who are now at their peak may throw some light on the subject when it can be remembered that they would have been between 3 and 6 years of age when the war broke out. For the next nine years they lived under conditions which were completely unsettling and frightening, and they suffered many unpleasant experiences at the most impressionable time of their lives. Evacuation of dangerous areas, teachers called to the fighting services, bombing, lack of sleep and damage to school buildings played havoc with the educational system of the country, and thousands of these children became educationally backward. The social side, too, had its problem; for being uprooted from home and taken away from loving and affectionate parents, or the loss of parents to forces or factory, took its toll. The result was: no proper home life, no security, no foundation for the building up of a normal intelligent youngster. They lived the most impressionable years of their lives in a world that was full of hate and war—man killing man, destruction, wholesale upheaval—and it was on this that they had to base their theories of life. They live now in an age of restrictions, and because there are so many restrictions they see them being broken every day by those who should be setting them an example. Shortages of certain foods, goods and proper living accommodation cause black markets and discontent, and this in turn leads to crime.

*General Causes and Classification of Delinquency*

It is of course recognised that no two persons are completely identical in every way, and consequently it must follow that each separate being will fail to be influenced by the same set of causes when embarking on a criminal episode. The nearest we can approach to similar causes of delinquency is by acknowledging the differences in the make-up of individual delinquents, and to classify them accordingly. It will be seen later that I have endeavoured to point out in simple language what may be considered to be the main classifications of delinquents. Even so it is quite impossible to say that every juvenile who is found to be in the same class can be dealt with in the same manner by the court, unless of course they are to be certified as mentally deficient or of unsound mind. Criminal tendencies, we are told, are not inherited, but physical weaknesses which under certain conditions may lead the child to crime, may be passed down from the parents. It is therefore necessary to know the whole environment and history before making a decision.

Poverty; unsatisfactory, overcrowded and insanitary homes; bad, immoral, indifferent and separated parents; bad or unsuitable companions; lack of healthy recreation or useful hobbies or pastimes; temptations by open-counter stores, etc.; long unorganised holidays from school, giving too much leisure; school authorities' belatedness and sometimes failure in discovering, and taking in hand, the backward, maladjusted and mental child: these are some of the prevalent causes which constantly become apparent to the juvenile court justice. It is not generally found that the "cinema" or "thrillers" have any incitement value, but the lad who from other causes is going to commit an offence may imitate the methods depicted on the screen or in a book.

The following paragraphs are the main classifications of delinquents:

A. *Normal*. In this class we have youngsters with a spirit of adventure or daring who, though they are strong and healthy in mind, kick over the traces at times due to their mischievousness. They are not hard to deal with for they have a moral sense of good behaviour, but on occasions they can be influenced by idleness, temptation, opportunity, daring and a desire to imitate.

B. *Environmental*. Surrounding factors such as lack of parental control of morals or discipline, and also the presence of parental incitement will affect this class. They have the moral sense of good behaviour but need training and discipline and, in many cases, removal from home, to prevent their being influenced by bad companions, temptation, idleness and opportunity.

C. *Counter tendencies*. The reactionary spirit of these youngsters dominates their moral sense and often gives them pride in anti-social behaviour. Thus the feeling of inferiority will urge them to "show off", or the feeling that they have been deprived of something others usually have may give them a grievance against the world in general. Envy, spite or jealousy are moods in which they commit an offence. Punishment often increases their rebelliousness and consequently their only hope is through psychological treatment. Unfortunately, this class often refuse to submit to such treatment unless they can be handled by someone who can really gain their trust.

D. *Emotional*. Here we have normally law abiding youngsters who have a good moral sense of behaviour, but who, at times of acute emotional stress, are liable to go completely off the rails. On returning to a normal state of mind they are disgusted at their inability to control themselves. Psychological treatment is necessary here too and often proves quite effective.

E. *Backward*. The educationally backward child may be found in all classifications, his backwardness being an added symptom, but many delinquents are born out of ignorance and consequently a separate classification is not without cause. As long as he is educable he may not be certified as mentally defective, but he should of course be given special educational facilities.

F. *Mental Defectives*—are those who suffer from a condition of arrested or incomplete development of mind existing before the age of eighteen years, whether arising from inherent causes or induced by disease or injury. These must be certified and sent for institutional treatment or treatment under guardianship.

G. *Unsoundness of mind*—are those who through accident, illness or some other cause, suffer from such a defect of mind that their standard of human conduct, intelligence, reason or judgment is materially different from that of the ordinary being. Certification and treatment as a patient at a mental hospital is necessary.

### *The Juvenile Court Structure*

As is common in the English Summary Jurisdiction System the Juvenile Court is almost entirely in the hands of lay justices. The small exceptions being those Courts of the Metropolitan Area and some other districts where under certain circumstances they have a Stipendiary Magistrate as Chairman or as a member of the Court. The law tries to ensure that there shall be one woman sitting, but makes it imperative that one man at least shall sit in courts outside the Metropolitan

Area. Within the said Area it is possible in certain circumstances for two women to form a court. The Court must be composed of at least two justices (except in special cases when a stipendiary justice may sit alone) and not more than three.

These lay justices when sitting are advised by a *legally qualified clerk*, who is usually a trained lawyer. He guides them through the proper legal procedure, points out to them the necessary evidence upon which they must be satisfied, before they decide whether or not the charge is proved. If a finding of guilt is pronounced, then he advises the justices in relation to their powers for dealing with the delinquent. The clerk has also all the multifarious duties of advising on and preparing the documents for bringing the delinquent before the court, and afterwards, those relating to treatment. On his shoulders rests the whole legality of the proceedings and of keeping the records.

It is obvious, from what has already been said, that the English Juvenile Court is run on the lines of a criminal court. That is, it has to follow the same legal procedure as the court in which adult delinquents are charged. It may be thought that, for this reason, it is clearly a criminal court with the object of protecting the public from crime, more than a tribunal which has the welfare of the youngsters at heart. The theory is that although the object in the treatment of all criminals in England today is to reclaim them, the protection of the public is, and should be, uppermost in the minds of justices. The Juvenile Court Justice, however, is bound by a legal requirement, for section 44 of The Children and Young Persons Act 1933 (which he must respect) says—"Every Court in dealing with a child or young person who is brought before it . . . shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training." This is the guiding rule of justices when deciding treatment, but until the youngster is found guilty, the charge must be strictly and properly proved beyond all reasonable doubt, in accordance with the same rules and evidence and procedure as are imperatively followed in the adult criminal courts.

The Justices, who form the courts outside the Metropolitan Area, are chosen by and from the whole body of lay justices appointed for the particular Division or Borough. In the Metropolitan Area they are appointed by the Secretary of State. In all cases however, it is an essential part of these appointments that Justices "*Specially qualified for dealing with Juvenile cases*" should be chosen. The phrase in italics is the wording of the Act of Parliament, and nowhere is its delightful

vagueness elucidated. Those chosen are appointed to what is called the "*Juvenile Court Panel*" and that Panel is as large as is considered necessary, at the time of appointment, to deal with the amount of work which it will be called upon to do. The existence of the Panel is for three years, but additions and appointments to fill vacancies can be made during its life in the same way as when the original appointments were made.

The Courts are formed by taking three justices at a time from the panel, on the lines of a rota system. The Court Chairman may be appointed by the panel for the whole three years, or one may be elected at each sitting. It is possible for fresh justices from the panel to deal with the treatment of a delinquent at a court subsequent to the one by which he was found guilty, but a wise system, almost universally followed, is to try to preserve some continuity between the courts by having at least one justice present from the previous hearing. In the event of a fresh court the clerk usually summarises the facts of the case before the reports are studied.

A Juvenile Court must sit as often as is necessary to deal with the cases in its particular district. It must either be held in a different room from that in which the sittings of adult courts are held, or on days entirely separate from those on which such other courts are held. The public are not admitted to the hearing, and only those persons who are actually concerned in each particular case may be allowed to stay in the room. The press are not excluded, but their reports of the proceedings may not contain the name, address, school or any other particulars calculated to lead to the identification of the delinquent before the Court, unless the Court or the Secretary of State make an order allowing them to do so. Such an order can only be made if the Court or Secretary of State consider it to be in the interests of justice to do so.

Attached to each court are men and women known as "*Probation Officers*." It is their duty to make a full "home surroundings" report to the justices on the environmental factors affecting the life of each delinquent. They visit his home, and interview him and his parents, obtaining all information which will be helpful to the court when deciding the treatment for the particular case. In courts outside the London area, these enquiries are frequently made before the hearing, so that they are ready to be heard if a finding of guilt is registered. Many of the London Magistrates consider that this should not be done, on the principle that, amongst other things, it is an interference in a home which might not become necessary if the accused's case

is dismissed. This is a controversial question, but I must say that quite emphatically I do not agree with the London Magistrates. No harm is caused by pre-trial enquiries, and, in fact, many instances of real help have been experienced by families in cases where probation officers have entered the home, previous to the hearing, and have given helpful advice, where afterwards, due to a legal technicality, the case against the juvenile has collapsed. In cases where the probation officer has entered the home, he is able to continue helping the family long after the hearing of a dismissed case, even though his report has never been presented to the justices.

The most important part of the duties of a probation officer is to supervise delinquents placed on probation, and to advise, assist and befriend them. He has to report to a "*Case Committee*" of the justices, at regular intervals upon the progress of all his cases, and to receive special instructions regarding the future action to be taken with individual probationers.

### *Methods of Treatment*

It has been made clear, I think, that treatment of a juvenile delinquent can only be ordered by the court if they have registered a "finding of guilt." The court has no influence over the boy or girl, against whom the charge has had to be dismissed from want of evidence, however much it may be considered that treatment is necessary. No doubt it has been noticeable that the term "finding of guilt" has been used frequently in this article where it is usual to say "conviction"; the reason for this is that an attempt has been made by the legislature to prevent terms being used that savour of crime and punishment. Thus the terms "Conviction" and "Sentence" may not now be used in our juvenile courts, and in their places are "Finding of guilt" and "An order upon a Finding of guilt."

If the justices consider the offence of such a nature that, in all the circumstances, including the fact that the environmental conditions and character of the delinquent are good, they do not consider it expedient to deal with him in any other way, they may take quite a lenient course. They may discharge him unconditionally,—(called an "*absolute discharge*")—in which case he leaves the court as if nothing had happened, (except possibly he has had to listen to an admonition from the Chairman); or they may discharge him subject to the condition that he commit no further offence within a maximum period of twelve months,—(called a "*conditional discharge*"). In this latter case he has no doubt received the admonition as in the former, but he

is also told that, should he commit a further offence within the stated period he can then be dealt with for the offence now being considered as well as the further offence.

The justices may consider that the offence is of such a nature that a fine would be sufficient treatment to pull the delinquent back on to the path of virtue. They may decide that it was just a childish prank, committed in a moment of thoughtlessness by a normal healthy youngster, but at the same time an offence that cannot be lightly dismissed. A fine may help him to think first next time, but it is of course necessary that the child's pocket money should be the source of his penalty, otherwise there can be no deterrent effect, unless of course the parent, because he had to pay the fine on the lad's behalf, sees to it that a suitable chastisement is administered. The court is now unable to order a birching, as this punishment was abolished by the Criminal Justice Act of 1948. The arguments for and against birching are too numerous for an article of this length, but in any case it had grown obsolete. In 1900 there were 3,385 cases where it was administered, in 1938 there were 48 and in 1948 it was not used at all.

The maximum fine for children (of eight and under fourteen) is £2 and for young persons (of fourteen and under seventeen) when found guilty of an indictable offence £10. The legislature has not prescribed a maximum fine for a young person found guilty of a purely summary offence (i.e. one that must be dealt with without a jury). In 1948, 22,521 were dealt with in this manner.

*Costs and Compensation* may be ordered to be paid, and a child or young person may find that any damage he has committed will keep him short of pocket money for some little while, as he can and should be placed *under supervision* to pay by instalments. Where the youngster is ordered to pay the fine and costs himself the costs must not exceed the fine, but there is no limit to compensation. It may be thought that the *parent or guardian* of the youngster has conduced to the commission of the offence to some extent, and, if so, he can be ordered to pay the fine, costs and compensation. The parent or guardian of a child (of 8 and under 14) must be so ordered unless he cannot be found, or is not thought to have been guilty of conducting. The number of parents made to pay in this way in 1948 was 3,258.

The court may also order a parent or guardian of the delinquent to give security for his good behaviour, and for this purpose to enter into a recognizance. In 1948 the number who were thus ordered amounted to 4,384.

A power which has been recently added to those of the juvenile

court magistrate is that of ordering a delinquent of not less than twelve years of age, to attend at an *Attendance Centre* if one is available. This is quite useless at present, by reason of the fact that no such centres are yet in existence. When they are available the delinquent may be ordered to attend for appropriate occupation or instruction under supervision for a period of twelve hours in the aggregate. Attendances must not be more than once a day nor longer than 3 hours a day and they must not interfere with the delinquent's schooling or working hours. This treatment can only be ordered in the case of a juvenile who, if he had been 21 years or over, could have been sent to prison. A juvenile may not be ordered to attend at such a centre if he has already been to a Borstal Institution, a Detention Centre or an Approved School—three methods of treatment which will be explained.

A *Detention Centre* is another recently legislated, but temporarily non-existent, place of treatment to which the juvenile court magistrate, may possibly in the future be able to send delinquents of not less than 14 years of age. When provided it will be used for juveniles who are before the court, and who could have been sent to prison had they been 21 years or over. The period would normally be 3 months, but it varies according to the maximum term of imprisonment which might have been given had he been 21 years or over. In exceptional circumstances the term might be as much as six months if the youngster is over compulsory school age (15), and as low as one month if under that age. A juvenile may not be sent to a detention centre if he has previously been sent to Borstal, or there are other appropriate methods of dealing with him.

In the case of a youngster who has been ordered to pay a fine, and has failed to do so, attendance centres and detention centres may be used when available. The length of detention is reduced in proportion, to the amount paid off the whole sum due at the beginning of that period.

Until attendance and detention centres are provided the court has to rely on the old method of detention in a *remand home* for a period not exceeding one month. In such case the delinquent mixes with all those who are remanded whilst they are awaiting trial or the next hearing of their case, and there is no specially set course of training for him. In 1948, only 705 youngsters were dealt with in this manner and 467 of these were under 14 years of age. The remand home, nevertheless, is a very important institution when used for the main purpose of its existence, that of keeping children in custody whilst on remand.



The legislature has recently created what is called a *Remand Centre*. When these centres are available all young persons of 14 years of age and over who are not bailed must be committed to them whilst awaiting trial before a higher court. Young persons who are so unruly or depraved of character to be committed to a remand home should be sent to these remand centres. At present and until such centers are available these young persons have to be committed to *Prison*.

After a finding of guilt the court hears the report of the probation officer on the delinquent's home surroundings and general behaviour, and also a report from the Local Authority on his school history and attainments, and from these, and also possibly because of the general demeanour of the youngster before them, they may decide that there is some underlying reason for the offence committed which has not been made wholly apparent during the proceedings. They may feel that they need to know more about the health and intelligence of the lad, and may possibly wish to call for a psychiatric report, either at the time he is first remanded or after having received the report of the remand home warden. In such cases the youngster may be remanded for periods of 21 days at a time, and, unless he is ill, must be brought before the court at the end of each period, even if it has not been possible for the required reports to have been completed. The great difficulty at the present time is the lack of good psychiatrists, and those who are engaged by the local authorities are very much overworked. It is therefore rarely possible, in my experience, for a psychiatrist's report to be presented to the court within the 21 days remand period, and it is then necessary to order a further remand.

The reports available to the court, although they are not a complete and infallible direction to the justices when forming their decision, are obviously a valuable guide to them. To know nothing about a delinquent other than that he has committed an offence or offences would be disastrous, and would lead to prescribing a set treatment for each offence. Instead, with the knowledge of his environment, and ordinary behaviour, presented by the Probation Officer, his scholastic attainments, ability and history given by the Local Authority; his response to remand home discipline, his health and intelligence quotient, sent by the Remand Home Warden; together with, when considered necessary, the findings of a good Psychiatrist,—the court is able to prescribe treatment which will be fit for the delinquent, and which will in all probability, make him a law abiding citizen in the future. During the course of time many delinquents commit almost the identical offence, but one would not think of treating them all in

the same manner. The commitment of a trivial offence for which he is brought before the court, is occasionally a fortunate thing for the lad living in unfortunate, or bad home conditions, for he may be taken away and possibly placed with foster parents where he will be looked after as one of the family—or he may be sent to an approved school if his need of discipline is acute, or if not so acute, to a home or hostel under the requirements of a probation order—but these methods need explaining.

A *Fit Person Order* and an *Approved School Order* may be made by a Juvenile Court, which has found a delinquent guilty of an offence for which, if he were an adult, he could be sent to prison for a term of not less than one month.

In the case of a *Fit Person Order* the court places the delinquent under the care of a person who they consider is fit and willing to receive him, and for these purposes the local authority may be a "fit person." The local authority, if the delinquent is a fairly normal and intelligent youngster, will probably board him out with foster parents, or else, if he is very backward, send him to a special school for educationally retarded children. The great difficulty is to find foster parents for these youngsters. The grant allowed to such people is barely, if at all, sufficient to allow them to maintain the lad, and consequently they will not come forward and offer their services. This is very unfortunate, because a good foster home is often the most successful of methods for dealing with those who have gone off the rails from such causes as lack of parental affection or bad home conditions. There is also a grave lack of accommodation in special schools—the dull and backward youngster, who is committed to the care of the local authority as a fit person, may have to wait for some long time in a remand home before a vacancy is made available. I have personal experience of a case which, at the time of writing, has been waiting nine months for such a vacancy, and in a few weeks the girl will be of school leaving age: if she is not received by a special school before her 15th birthday she cannot be accepted there. If, however, by some chance a vacancy occurs she can be kept there until she is 16 years of age. The lack of accommodation may be responsible for her losing nearly 21 months of special instruction which she badly needs.

The local authority, apart from using foster homes and special schools for backward children, have other methods of treatment which they use on the advice of their educational psychologists and psychiatrists.

They may arrange to send the youngster to a school for maladjusted

children. A maladjusted child is one who, from some physical defect or other cause, although he may be of quite good or even brilliant intelligence, is not progressing normally in his present environment or school. They may apprentice him to a trade or profession, send him to a boarding school, and in fact anything which is considered necessary and advisable for his education and training.

A fit person order will last until the juvenile is 18 years of age, unless a successful application is made to the court to revoke the order before this period elapses. Such an application may be made by any person. The local authority may apply for a delinquent committed to their care to be sent to an approved school, if they can show that it is desirable in his interests.

If the court revokes a fit person order, it has the power to substitute an order placing the youngster under the supervision of some person or other—usually the probation officer—who will help and report on the progress of the youngster. A *Supervision Order* empowers the person under whose supervision the lad is placed to bring him before the court at any time during the period of that order (maximum 3 years), and if it is shown to be in the interests of the lad, the court may commit him to an approved school or make a fresh order placing him under the care of a fit person.

An *Approved School* is an establishment in which scholastic education is provided for those who are sent there, and where an attempt is made to teach them to live cleanly and healthily, to become industrious and make use of leisure, to acknowledge and respect discipline, and—with the ultimate view of sending them back into society as useful citizens—trains them in a trade or profession. These schools are sometimes called Home Office Schools, but the term is very misleading as the vast majority of them are provided by philanthropic bodies. Each one of them, however, is inspected regularly by a Home Office Inspector. They are classified according to the age of the youngsters, their religious persuasion, the kind of education and training provided, and for such other reasons as the Secretary of State may consider necessary. The age classification is roughly as follows and the number of schools are shewn in brackets:—

<i>On admission</i>		
Boys	{ Junior (37)	Under 13
	{ Intermediate (28)	13 and under 15
	{ Senior (29)	15 and under 17
Girls	{ Junior (27)	Under 15
	{ Senior (37)	15 and under 17

There are also three classifying schools, one of which is for girls, which are staffed by educational psychologists and teachers. The Home Office arranges that youngsters are sent to classifying schools for about three months, in order that their ability, temperament and character may be assessed before a vacancy can be sought in the kind of school most suitable for them.

The period for an approved school order is normally three years from the date it is made, *or* until the expiration of four months after the lad ceases to be of compulsory school age (15), whichever period is later, but a juvenile who has already attained the age of sixteen years when the order is made will stay at a school until he is nineteen years old. The Managers of these schools have power to release on licence any youngster who appears to have made sufficient progress in his training after a twelve month stay, and even earlier if the consent of the Secretary of State is obtained.

A Welfare Officer exercises supervision over those who are on licence or who have finished their period in the school, and it is his duty to find them suitable employment where necessary, and to arrange for them to live in suitable lodgings or hostels when it is not possible for them to go back to their homes. This '*after care*' as it is called, has not been too successful in the past as it was quite impossible for a member of the school staff to travel all over the country and satisfactorily attend to each youngster from the school. There is an improvement now as the schools, collectively, have a resident man in separate areas to do this work. Even now, however, these areas are rather larger than can be conveniently worked for complete success.

Approved schools pride themselves, in being "*schools*" and not "*institutions*." There are differences, of course, for the delinquent may only be allowed three weeks at home every twelve months, and that only if he is considered to have merited it. The main training for discipline seems to be through a system of privileges or disabilities. Corporal punishment is not encouraged though diet and short periods of solitary confinement are allowed under the rules issued by the Secretary of State.

It is, of course, the want of discipline which, more often than not, supplies the reason for sending a youngster to an approved school, for it is quite obvious, in many a case, that he is too unruly for home life. The question is whether the character of the youth is strong enough to enable him to progress by merely changing his environment; if there is a strong doubt regarding this, an approved school can be the only answer.

Institutions which cater for young persons who have attained the age of sixteen years and really need extreme discipline and training are called *Borstal Institutions*. Those who have been found guilty of escaping from, or misconduct in an approved school, may be sent to such institutions for a period of two years. Delinquents of bad character charged before the juvenile court, and who, being of sixteen years and under seventeen years, have been found guilty of an offence for which a person of twenty-one years and over could have been imprisoned, may be committed to a higher court with a view to that court ordering Borstal training for a period of not more than three years. Before this is done the delinquent must be remanded for the consideration of a report of the Prison Commissioners, regarding his physical and mental condition and his suitability for sentence.

Borstal Institutions not only take the 16 to 17 age group from juvenile courts but also those of 17 to 21 years of age from the adult and higher courts. They are not prisons, although some are attached to prison buildings and all are controlled by the Prison Commissioners. They are training centres, much the same as the senior approved schools, but the discipline is firmer. Boys and girls can be released on licence after nine months (or sooner under a direction of the Secretary of State) if it is considered desirable. Upon release, and for a period up to the expiration of four years from the date of sentence, supervision is exercised over the offender. If, before the end of that four years, he has failed to comply with any requirement stated in the notice of the release, he may be recalled and kept until the end of a three years period from the date of his sentence or for six months, whichever period is later.

During the year 1948, out of the 71,998 found guilty in juvenile courts 19,600 were dealt with by means of *Probation Orders*. When it is considered that the figures, that year, for those ordered to pay a fine and those dismissed unconditionally were 22,521 and 20,322 respectively, it reveals that about two thirds of the more serious offences were dealt with by means of probation orders. What is more, the National Association of Probation Officers, in a very conservative estimate over the past three years, say that 60% of the probation cases are successful. The type of case for this treatment is the juvenile who is not hampered by environment, and who is not too dull or mentally weak or unbalanced to benefit from the guidance and supervision of the probation officer. The effects of the order are explained to him by the Chairman, and if he is not under fourteen years of age he must consent to the order being made. The order, besides placing

him under the supervision of the court of the district where he resides, may contain any requirement calculated to ensure his good conduct, and to prevent him from committing a similar, or any other offence, during the period (maximum 3 years) for which the order is made. The requirements may cause him to reside in a specified probation home (where he will live and work); or, a probation hostel (where he will reside and go out to work); or, amongst other things, it may order him to receive mental treatment in certain circumstances, either at a mental hospital or other specified place as a voluntary resident or non-resident patient, or under the care of a qualified medical man experienced in the diagnosis of mental disorders.

If, after this order is made, a breach of any requirement is committed, the probationer may be made to appear before the Court and ordered to pay a fine of £10 or to attend at an attendance centre if one is available; or he may be dealt with for the offence for which he was put on probation, in any way which he might have been dealt with at the time the order was made. Similarly he can be dealt with for the original offence if he commits a further offence whilst on probation.

### *Conclusions*

In theory, the English Juvenile Court Magistrate is equipped with exceptionally good powers, and should be able to deal with every conceivable type of delinquent for the complete betterment of all concerned. It is, however, considerably questionable as to how long it will be before we shall see the system working efficiently. At the present time there are no Detention, Attendance or Remand Centres. There is a great shortage of Approved Schools, Special Schools, Probation Homes and Hostels and Borstal Institutions. There are not nearly enough psychiatrists, probation officers or policemen; foster parents, of the right kind cannot be found in sufficient quantities to cope with the need, and Welfare Officers for "*after care*" cases are too few. If we really mean to get somewhere this will have to be rectified, and much more minute statistical details will have to be collated about juvenile delinquents. Much greater co-operation will have to be exercised between the various bodies dealing with the young delinquent. The school authorities must take greater care to segregate, for special treatment, those children who are backward or who show mental peculiarities; and, as moral teaching is closely interlocked with religious teaching, it is to be earnestly hoped that the religious instruction made compulsory in our schools by Act of Parliament since 1944, will now succeed where, in the past, the home has failed.

Justices should be able to follow the progress of their cases through all the hands that they may pass, and so be able to decide on the wisdom of their own decisions. It is of course absolutely essential that they should visit every kind of institution to which their cases can be sent, and see these places in actual use. There is, however, a weak link when a committal to the local authority as a "fit person" is made. No report is sent to the justices respecting the treatment or progress of one of these cases, and a shock is sometimes experienced when it is suddenly found that the delinquent is 'boarded out' in the environment from which the court took such infinite pains to separate him. Approved schools do co-operate in this way, and send regular reports to the juvenile court panels when asked.

Although youngsters need to be taught their moral duties, parents also need instruction, and it should be made legally possible to compel the bad or indifferent parent to attend at a centre for such instructions and for so long as is deemed necessary.

Such is the picture of the legal treatment of juvenile delinquents in England today. The picture is very hopeful when it is remembered that under a century ago children were condemned to death, transported or imprisoned for years for the most trivial thefts. It is little less than thirty years since they were remanded without any segregation from the hardened adult criminals in some prisons. Reforms were gradually introduced but the Act of 1908, nicknamed "The Childrens Charter," really began the series of changes in the treatment of the young delinquent. During the last 40 years these reforms have been created at a greater speed than they can be implemented,—at such a speed that, today, quite a large section of the population think the pendulum has swung too far the other way.

#### MARTIN H. NEUMEYER\*

Juvenile delinquency is not a new problem, but one that has become intensified during recent decades. It is a serious social problem today, yet no unusual epidemic of deviant behavior of American youth is spreading over the nation. While there is no over-all agency to compile comprehensive, nationwide statistics of delinquency, the Uniform Crime Reports of the Federal Bureau of Investigation present data regarding arrests, including the arrest of juveniles where they are reported; and the United States Children's Bureau compiles Federal-state

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\* Professor of Sociology, University of Southern California.

juvenile court data and reports on children in public institutions. Edward E. Schwartz<sup>1</sup> of the U. S. Children's Bureau has estimated from the available Federal-state juvenile court statistics that about 275,000, or only about six in every thousand children and young people under eighteen years of age, were involved in juvenile court delinquency cases. He points out that there are no available national statistics of the additional number of children known to other agencies dealing with juvenile delinquents.

On the basis of partial national and local data, it is apparent that the volume of delinquency decreased during the early years of the depression, increased somewhat with the rise of the business cycle, became accelerated during World War II, but has been declining since the war. The median ages of juveniles involved in juvenile court and arrest for delinquency procedures range from fifteen to twenty-one. The ratio of girls' to boys' court cases is one to four or five, and police departments or sheriff offices arrest only one girl to about ten boys. Considerable variations occur in the methods of reporting cases. Delinquency statistics are also affected by changing police practices and court procedures, as well as by changing conditions that may produce delinquent behavior.

The definition of delinquency likewise affects the types of cases included in official courts. In a legal sense, juvenile delinquency is what the law says it is. This includes the offenses committed by juveniles that are in violation of federal, state, and local laws, which breaches of the law by adults would be punishable by fines or by imprisonment; the behavior peculiar to youth, such as habitual truancy from school, running away from home without consent, incorrigibility, and other forms of deviant behavior; and being in places or living in surroundings that are regarded as harmful to youth and which may be lawfully interpreted as requiring official action. State laws specify on the average eight or nine items applicable to youth only, in addition to violations of law that are applicable to all age groups, youth as well as adult groups. The line of demarcation between delinquency and dependency, neglect or welfare cases is not rigidly drawn. Furthermore, not all legal delinquents are detected and only a fraction of the apprehended cases are brought to court. Police and other law enforcement agencies handle many cases without resort to court action. Courts do not adjudge (find guilty) all cases of alleged delinquents. A distinction is made between official and unofficial cases; also between compulsory and volun-

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<sup>1</sup> 261 ANNALS 12 (1949).



tary supervision. The sociological and psychological conceptions differ somewhat from the legal interpretations, including certain social and personal factors in addition to the legal aspects.

It is more difficult to determine the causes of juvenile delinquency than to discover its extent and the trends of its development. Any etiological research is beset by many difficulties. Delinquency is an integral part of a dynamic social process that can be understood only in relation to the sequence of events of which it is a part. The character of this process depends upon the personality of the child, the social world in which he lives, and the experiences growing out of the interaction between the child and his environment. The complexity and interrelationship of these factors make it difficult to ascertain the most influential elements in a situation that tend to shape conduct. Even one act of delinquency often involves multifarious conditioning factors. Frequently a number of elements occur concomitantly in a situation. They may occur together in an apparent relationship, giving the impression that a few elements are the decisive causes of a result, but a closer examination usually reveals deeper causes. The studies of delinquency have demonstrated that there is no single, unilateral cause of this complex problem. The average child can usually overcome one or two handicaps or deviant pressures, but when he is confronted with several difficulties and disintegrating influences he is likely to deviate from what the community may regard as normal forms of conduct.

In spite of the difficulties involved in the search for the causes of delinquency, the writer has found it convenient to simplify the analysis by classifying conditioning factors under the following headings:

- (1) personality factors, including (a) physical, mental, and emotional conditions and (b) character and behavior traits; (2) home and family conditions, especially broken homes, inadequate and maladjusted or unadjusted family life; (3) companionships and associations, particularly gang activities; (4) influence of community institutions, such as inadequate functioning of social institutions or harmful commercial recreation agencies; (5) population and culture factors, including the composition, distribution, and changes of population, as well as racial and minority group influence, culture conflicts, and the succession of culture groups; (6) economic and physical environmental factors, especially poverty, economic exploitation of youth, slums and blighted conditions, and other factors associated with delinquency areas; and (7) the effects of inadequate law observance and enforcement, and the treatment of individual offenders. These headings may be rearranged as desired.<sup>2</sup>

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<sup>2</sup> Cf. NEUMEYER, *JUVENILE DELINQUENCY IN MODERN SOCIETY* 60-61 (1949). Consult Part II of this text for more detailed analysis of those conditioning factors. Compare TAPPAN, *JUVENILE DELINQUENCY* (1949); SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY* (1947); VON HENTIG, *CRIME: CAUSES AND CONDITIONS* (1947); and CAVAN, *CRIMINOLOGY* (1948).

These items do not cover the entire gamut of possible causal factors; but they do call attention to the ramifications of the problem. This classification provides a framework of analysis rather than a system of verifiable causes. Furthermore, the sequence of items indicates to some extent the order in which these factors were studied and emphasized. The early studies of delinquency dealt chiefly with individual offenders, especially their biological and psychological make-up. These were followed by studies of the families of delinquents, gang associations, and the influence of the community. Social environmental pressures were recognized as important background factors or as direct causes.

The individual approach to the study of delinquency was the first to receive considerable attention on the part of those who endeavored to apply scientific methods to the analysis of causation. William Healy was one of the first to emphasize that the individual is the center of the problem of delinquency and that the main causes are found in the mental life of the offender. He maintained that immediately back of a delinquent act is an idea, an impulse or a desire. Other psychological tendencies contribute to misconduct in numerous ways. In his later case studies, in collaboration with Augusta F. Bronner, the families of delinquents and other environmental influences were analyzed.

While those who have relied chiefly on the psychological, psychiatric, and psychoanalytical methods of study have overemphasized the importance of personality attributes, the case study of individual offenders is necessary from the standpoint of effective treatment. Objective studies of cases have revealed certain deviant physical, psychological, and behavior traits of delinquents. Experts do not agree in their appraisal of the relative influence of physical characteristics of delinquents. Some writers have pointed out that biological inferiority, poor health and certain types of diseases, physical handicaps, glandular imbalance, malnutrition, and similar deficiencies are more prevalent among delinquents than among nondelinquents. Others maintain that no significant statistical comparison of the frequency of such defects in the criminal and noncriminal population has been made. In some cases deviant and disorganized personality traits are undoubtedly significant in shaping conduct. However, social reactions to persons with defects may have a more decisive effect because they pertain to the social status of the individual. Being frustrated in group participation, a child can easily develop a feeling of inferiority or injustice, and frustration tends to lead to aggression.

The most grievous error has been the tendency to attribute crime to

inherited weaknesses or inborn tendencies toward criminal behavior. People are not born with criminal traits, though certain innate tendencies may precondition a person to behave in certain ways. None of the inherited traits, though significant, predestine individuals to criminal behavior independent of experience. The difficulty in determining the relative influences of such causal factors lies in the fact that it is not possible to control completely either the factors of heredity or those of the environment for purposes of accurate measurement.

The psychological factor that has received the greatest attention is the level of intelligence of delinquents. Mental tests have been used in the case analysis of thousands of delinquents. As compared with the theoretical distribution of levels of intelligence, most studies show that a larger proportion of delinquents are in the feeble-minded or dull normal categories than is true of the general population. However, comparative studies of the relative intelligence of offenders and nonoffenders are difficult to make, partly because of the inferiority of testing methods and the type of offenders studied. Studies that include a preponderance of institutionalized cases, especially recitivists or juveniles who have committed serious offenses, usually show relatively high proportion of persons with low intelligence, but in some instances the mental conditions of offenders as well as their offenses are reasons for institutionalization. During past decades, as the composition and administration of intelligence tests improved, fewer of the inmates in institutions have been classed as feeble-minded. Test results have varied according to what they were designed to measure and the methods used in the measuring process. In certain types of offenses, such as sex offenses, low intelligence seems to play a more important part than in other types of crimes. The extremely feeble-minded are usually incapable of committing offenses, or they may not be considered as responsible if they commit breaches of the law. Low intelligence *per se* is not necessarily a direct causal factor in crime, for the concomitant influences may be more immediately significant. Low social status, difficulties in scholastic achievements, frustration of ambition, and similar experiences of children may have a more direct relationship to conduct than the degree of mental ability. Whatever the relationship of mental deficiencies to crime, the defective delinquents require special forms of treatment.

Mental diseases and functional disorders are more prevalent among adults than among children, but the beginnings of them often manifest themselves early in childhood.<sup>3</sup> For instance, certain symptoms of

<sup>3</sup> SEARCHLIGHTS ON DELINQUENCY (Eissler ed. 1949); ENCYCLOPEDIA OF CRIMINOLOGY

schizophrenia, such as the hebephrenic form, may begin in the adolescent period, although the schizophrenes show relative absence of delinquent behavior during their early adolescence. Certain symptoms of psychoneurosis or psychopathic inferiority are discernible fairly early in life. Occasionally, truants or delinquents, unknown to parents and to others closely associated with them, are mentally ill. It is difficult to discover the exact mental condition of criminals. The neurotic offender, the psychopathic delinquent, and the functional psychotic are deviants from psychological normality, which problems require special treatment in addition to the factor of law violation.

Emotional conflicts, disturbances, frustrations, and instabilities are frequently associated with delinquent behavior. Inner tensions may be both contributing factors and consequences of deviant behavior. Discontentment, a feeling of being rejected or unduly thwarted, insecurity, discomfort, confused unhappiness, sense of guilt, explosive and violent responses, and other forms of emotional reactions may cause or accompany deviant behavior. Some children are subjected to extreme emotion-provoking situations.

When dynamic wishes and other motivating tendencies find expression in socially acceptable activities, they tend to produce normal forms of behavior; but when they are thwarted by social opposition or inner repression, substitute forms of satisfaction or antisocial behavior may be the consequences. The acceptance of the idea of delinquent behavior is a prelude to misconduct. The great driving forces that have strong emotional concomitants are difficult to suppress, and attempts to suppress them may lead to frustration and aggression, though the threat of punishment has a tendency to inhibit an act of aggression.<sup>4</sup>

Inadequate moral and religious training, weakness or breakdown of character, and force of habit are more immediately associated with misconduct than the biological and psychological conditions of the individual. Children experience little difficulty in their behavior if the "definitions of social situations" are favorable to the observance of law and if their wishes, interests, attitudes, and habits are socially acceptable. They tend to "fit-in" without a great deal of conflict.

Sutherland<sup>5</sup> maintains that criminal behavior is learned through in-

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(1949), especially articles on "schizophrenia," "psychopathic personality," and "defective delinquents."

<sup>4</sup> Cf. HEALY AND BRONNER, *NEW LIGHT ON DELINQUENCY AND ITS TREATMENT* (1936); and DOLLARD, MILLER, DOBB, MOWRER, AND SEARS, *FRUSTRATION AND AGGRESSION* (1939 and 1945).

<sup>5</sup> SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY* Chapter I, especially pp. 6-9 (1947).

teraction with others in intimate groups. When there is an excess of "definitions" favorable to law violation over the opposite "definitions," a person is likely to become delinquent. A group may be organized for or against crime, but in most communities both tendencies are present, with the possibility of either of them becoming the dominant force. The crime rate is an expression of the differential group organization and associations. The differential associations vary in intensity, frequency, duration, and priority.

Individual maladjustments and deviations are not separable from environmental conditions and deviant social pressures. Individual and group aspects of disorganization occur together, and the influences are reciprocal. Usually disruptions of social relations have their counterpart in the deterioration of personal behavior. In a disorganized society, personalities tend to become disintegrated and demoralized; whereas in a harmonious and well-adjusted society, personalities are more integrated and stable. Physical and mental deficiencies or diseases are exceptions when such conditions are chiefly hereditary in nature.

The child's behavior patterns are formed early in life and the primary group influences are predominant. Family, play, school, church, and neighborhood groups are primary in several senses. They involve face-to-face contacts, the relationships are intimate, and they are fundamental in shaping the social nature of a person.

Either lawful or delinquent behavior developed in early childhood tends to persist throughout life. To adequately appraise conduct, it is necessary to recognize the early experiences of the person as well as the personal-situation complex of the moment. But as the Gluecks<sup>6</sup> have pointed out, with the passing of the years there tends to be a diminution in the number of youths who continue to be offenders; and even among those who continue to commit crimes, significant improvements occur. These changes in conduct are the outgrowth of maturation.

The social variables in the etiology of delinquency are even more complex and varied than the conditions of personality. Family relations, gang associations, institutional influences, heterogeneity and mobility of the population and conflicts of cultures, economic and physical environmental conditions, and the subtle socio-psychological influences surrounding juveniles are so varied and changing that no positive conclusions regarding their relative influences can be drawn.

The family is an important primary group and a basic social institu-

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<sup>6</sup> SHELDON AND ELEANOR GLUECK, *LATER CRIMINAL CAREERS* (1937), *JUVENILE DELINQUENTS GROWN UP* (1940), and *CRIMINAL CAREERS IN RETROSPECT* (1943).

tion. If it performs its functions well, the members are fairly well equipped to meet life situations. If it is broken or functions inadequately, its members are frequently handicapped in various ways. These are obvious relationships and effects, but it is difficult to demonstrate the exact influence of broken or maladjusted homes on children and youth.

Studies of delinquents have shown that from 30 to 60 per cent, on an average slightly over 40 per cent, of juveniles who are brought to courts are from broken homes. Statistics of the relationship of broken homes to delinquency would be more meaningful if we knew the extent of non-delinquents from broken homes. Control groups are necessary for valid comparisons. Maud A. Merrill,<sup>7</sup> in comparing 100 delinquents with 100 controls, found that 50.7 per cent of the delinquents and 26.7 per cent of the controls came from broken homes. Others have not found similar variance between the home conditions of delinquents and non-delinquents. Homes broken by divorce, desertion, and separation seem to have greater deviant effects than homes broken by death.

Quasi-broken homes, poorly adjusted families, and homes that function inadequately are not conducive to the proper training of the young. Dissension and conflict, physical and mental abnormality, mixed parentage, lack of parental training, and other forms of maladjustments and inadequacies often are more detrimental to child welfare than the eventual breakdown of the home. Defective discipline or control in the home is generally recognized as a contributing factor to misconduct. Overindulgence and coddling may produce antisocial traits, as do over-strictness and severity of treatment. Children are likewise frustrated when parents fail to assume responsibility in satisfying basic physical and psychological needs of children, spend little time with them, and are indifferent to their welfare. A house that is disorderly, unclean, and unattractive is not conducive to good home life.

Delinquency may run in families in which deviant conditions exist.<sup>8</sup> When both delinquents and nondelinquents come from the same families, as is frequently the case, the differential behavior is difficult to explain.<sup>9</sup> Differences in personality traits may result in opposite kinds of reactions to situations; but frequently differential associations, as Sutherland maintains, are the chief causal factors in misconduct. No two individuals, not even twins, live in exactly the same environment.

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<sup>7</sup> PROBLEMS OF CHILD DELINQUENCY 64-70 (1949). Compare CARR-SAUNDERS, MANNHEIM, AND RHODES, *YOUNG OFFENDERS* (1940) and Shaw and McKay, *Social Factors in Juvenile Delinquency, Report on the Cause of Crime* (No. 13, Vol. II, National Commission on Law Observance and Enforcement, 1932), pp. 273-84.

<sup>8</sup> SHAW, MCKAY, AND McDONALD, *BROTHERS IN CRIME* (1938).

<sup>9</sup> Cf. HEALY AND BRONNER, *op. cit.*, *supra* note 4, Chapters II-IX.

Nearly all children have playmates and intimate companions. Playmates often mean more to children than do their families. Chums exert great influence on their conduct. As Hollingshead<sup>10</sup> has pointed out, adolescent boys and girls belong to cliques. As one high school teacher put it, "This school is full of cliques." A clique consists of two or more persons who have intimate fellowship in a small, informal group. Clique members go to places and do things together, exchange ideas, and accept one another as friends. There are school, recreation, and other institution cliques. Who cliques with whom is important. Elmtown, according to Hollingshead, is divided into five social classes. The social system affects the high school in action, the clique and dating relationships of the students, their religious behavior, their jobs, and their recreation. The out-of-school adolescents are products of the social system also. Their job levels, leisure-time activities, sex behavior, and marriage are affected by the social classes to which they belong.

What proportion of delinquency is the outgrowth of gang activities is not exactly known. Thrasher<sup>11</sup> found that of 1,313 gangs studied, 665 probably had demoralizing influence on its members, 609 may or may not have had such influence, and only 52 had no demoralizing effects. The "spirit of delinquency" in the community, the presence of adult criminals, and the objective realities of the area in which children live affect gang behavior. It is chiefly through the corner gang that the newly initiated members gain familiarity with the codes and activities of the underworld. The factors underlying ganging are exceedingly complex.

Apart from the influences exerted by the home and the gang, numerous community influences have a direct or indirect bearing on the conduct of youth. The educational, religious, recreational, economic, health, and welfare institutions and agencies perform important functions. If they fail to function efficiently, deviant behavior may be the consequence of neglect. The best studies in this field deal with the relationship of recreation to delinquency. In Chicago,<sup>12</sup> four delinquency areas and one control group were selected for intensive study to determine the extent of participation of both delinquents (official and unofficial) and nondelinquents in supervised recreation. The investigators observed

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<sup>10</sup> HOLLINGSHEAD, *ELMTOWN'S YOUTH: THE IMPACT OF SOCIAL CLASSES ON ADOLESCENTS* (1949), Chapter 9. Compare WARNER AND LUNT, *THE SOCIAL LIFE OF A MODERN COMMUNITY* (1941) and *THE STATUS SYSTEM OF A MODERN COMMUNITY* (1942).

<sup>11</sup> THRASHER, *THE GANG: A STUDY OF 1313 GANGS IN CHICAGO* 386 (1936). Compare *WHYTE STREET CORNER SOCIETY: THE SOCIAL STRUCTURE OF AN ITALIAN SLUM* (1943).

<sup>12</sup> *RECREATION AND DELINQUENCY: A STUDY OF FIVE SELECTED CHICAGO COMMUNITIES* (1942).

15,217 boys and 7,939 girls, ages 10 to 17 inclusive, of whom 1,798 were classed as delinquents. While recreation agencies were fairly successful in contacting the youth of these areas, during any one season less than half of the year's total contacts were represented, and the high delinquency areas had lower percentage participation than the control area. Both delinquents and nondelinquents spent about twice as much time in movies as in supervised recreation, but the delinquents attended motion pictures more frequently than the nondelinquents. On the other hand, delinquents spent less time in supervised recreation; and, when they attended, they usually were interested chiefly in the game room and in competitive sports. Of the nondelinquents, 1.7 per cent of those who participated in supervised recreation became delinquent during the period of observation, whereas 5.1 per cent of those who did not participate became delinquent.

It is generally believed that certain types of movies, radio and television programs, comics, dance places, and certain other forms of commercialized recreation have harmful effects. Notwithstanding the seemingly obvious relationship between the uses of leisure and delinquency, it is difficult to demonstrate the exact correlation between amusements and the behavior of those who frequent them. The Payne Fund studies of movies and children have revealed certain more or less direct relations between the kinds of motion pictures children see and their conduct. However, the influence of any amusement depends upon the individual participating in it, the circumstances, and certain accompanying factors. The influences are by no means uniform. Before an amusement can affect an individual he must select it. Choices are conditioned by interests. For instance, the reading of crime news or salacious literature may be closely correlated with deviant behavior, but an individual who reads such material is likely to have interests in this direction before he reads his selections.

Population mobility and heterogeneity, especially the presence of minority groups, and the accompanying conflicts and discriminations, have their effects on conduct. The succession of culture groups and excessive conflicts of cultures have been singled out for special study. Differential culture contacts by adolescent groups, especially the second- and third-generation children who are caught in the matrix of conflicts between the old world mores and the new world situation, are accompanied by the breakdown of unified control. In such a situation the culture factors predominate as conditions of the behavior of youth. Home influences are weakened, social disorganization is more prevalent, and delinquency traditions are more pervasive where a diversity



of culture traits exist and the social pressures are in conflict. Conflicts between delinquents and the community are evident in most societies. The intensity of the conflict between the younger and the older generations varies by areas and over a period of time.

As previously indicated, age and sex factors have a bearing on the extent and the rate of delinquency. Deviant behavior is chiefly an adolescent problem and it is more prevalent among boys than among girls. This seems to indicate that the adolescent period is likely to be marked by instability and the persons of this age lack maturity. Boys seem to be more adventurous and get into more difficulties than girls.

Numerous studies of delinquency have included an analysis of economic factors, chiefly the economic status of the families of delinquents. Poverty is regarded as an important cause of delinquency, for a disproportionate number of delinquents come from the lower economic classes. Some studies have revealed that the rates of delinquency in the different areas of a city correlate closely with the rates of dependency in these areas.

Carr<sup>13</sup> and Bogen<sup>14</sup> have pointed out, on the basis of studies in Michigan and California, that the delinquency curve tends to follow the business cycle. When the business trend is downward, as during a depression, delinquency goes down with it; and when it goes up, delinquency goes up also. Many factors work together to produce these results, and the relationship between business conditions and delinquency is not uniform in all areas. The apparent relationship between the business cycle and delinquency trends does not mean that poverty has no bearing on delinquency, for, whether during a depression or a period of prosperity, the poorer classes have higher rates of delinquency than the middle and upper classes.

The physical conditions of the community have a relationship to the degree of social disorganization. Slums and blighted areas are the focal points of the distribution of delinquency in a city. From an ecological point of view, the chief factors of distribution are the concentration and scatter of delinquency cases by residences. Besides high rates of delinquency and crime, delinquency areas are characterized by physical deterioration (delapidated buildings and substandard houses), changing population, racial and nationality segregation, low economic status and disorganization of families, institutional inadequacy, and the spirit of delinquency.<sup>15</sup>

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<sup>13</sup> CARR, *DELINQUENCY CONTROL* (1940).

<sup>14</sup> Bogen, *Juvenile Delinquency and Economic Trend*, 9 AMERICAN SOCIOLOGICAL REVIEW 178-84 (1944).

<sup>15</sup> Cf. SHAW AND MCKAY, *JUVENILE DELINQUENCY IN URBAN AREAS* (1942).

The prevailing definitions of law and the kind of law observance in an area have an important bearing on the rate of crime. When the prevailing definitions and attitudes are in opposition to the observance of law and individuals are in conflict with law enforcement agencies, juveniles tend to follow the prevailing pattern of thought and behavior. The lack of a uniform desire of the people to enforce law under all circumstances often has far-reaching consequences. When citizens are unwilling to put forth the effort to see to it that law and order are maintained, law enforcement is difficult.

The inequality and unfairness in the application of law tend to break down respect for law itself. Incompetent personnel, unwise administration of justice, and the inadequacy of facilities to take care of cases likewise breed disrespect for law. Detention and correction institutions sometimes fail to modify conduct and to adjust deviants because of inadequate equipment, personnel, and program. It must be recognized that even under the most favorable circumstances the correctional process may fail because of the counterforces at work in these institutions, the difficulties of correcting deeply rooted personality defects and in overcoming antisocial attitudes, and in providing the most effective social stimulation. Usually the most difficult cases are referred to institutions, sometimes only after all other efforts have failed. An informal but none the less powerful counteradjustive process is carried on by the inmates themselves which may offset constructive efforts. At best, rehabilitation is a slow process, requiring continuous guidance and favorable environmental conditions.

Delinquency control requires both a successful treatment program and preventive measures and methods. The treatment process requires adequate study of cases and an effective correctional program. The agencies and methods of prevention include social action, community services and organization, and the control or elimination of the roots of difficulty. Treatment and prevention are interrelated.

In summarizing this brief analysis of some of the main types of conditioning factors of delinquency, it is evident that the causes of this problem are multifarious, ever changing, and deeply rooted. The total process, in which numerous, often subtle and imponderable variables play a part, is exceedingly complex. The relative role of these variables differs from case to case, both as to the component elements and in the way the elements interact. The multiple causation explanation of crime does not mean that it is impossible to ascertain the important influences in a given situation. It does imply, however, that there is no single, unilateral cause of a complex social problem.

A theoretical framework of analysis is useful in appraising the relative merits of the dynamic factors that play a part in a given situation. Broadly stated, juvenile delinquency is the product of both personal and social disorganization, which, in turn, are rooted in deviant conditions and which indicate the breakdown of the on-going process of social control. It is an integral part of a process in which disintegrating tendencies exist. The attitudes and behavior patterns of a person are formed in the process of interaction. The character of this process is determined by the conditions of the person, by the nature of the social world in which the child lives, and by the sequence of experiences which he has in successive situations. The personal-situation complex varies considerably from time to time.

The factors that are closely associated with the life of a child have the most direct effects. Personality defects, deviant conditions in the homes and in other groups in which the child has intimate associations, and the preponderance of definitions favorable to crime are potentially or actually the most dynamic factors in shaping conduct. The more remote factors have indirect effects, unless they profoundly affect primary group relations which have a more direct bearing on conduct. To ascertain the relative influence of conditioning factors requires extensive research, both of individual cases and of the types of factors that affect human conduct.

#### MIRIAM VAN WATERS\*

For the purposes of this article juvenile delinquency will be considered from four viewpoints, those of the administrator, the specialist, the citizen and the lawyer. Two definitions will be borne in mind, the etymological and the legal. Conclusions will be stated with reference to the diagnosis and treatment of delinquency as a persistent social problem. Certain trends will be pointed out which seem to indicate the probable or possible course of development in our social action and attitudes. Obstacles to the solution of the problem will be indicated. The viewpoints of the writer are those of the administrator and the anthropologist.

#### *Definitions*

The term "delinquent" came into current use with the Juvenile Courts, first established in Chicago, Illinois, in 1898, and at about the same time in Denver, Colorado. Both were established after a crusade

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\* Superintendent, Framingham (Massachusetts) Reformatory for Women.

led by such persons as Judge Julian Mack, Judge Ben Lindsay, Julia Lathrop, Jane Addams, Bernard Flexner, Dr. George Kirchwey, Josephine Roche, Grace and Edith Abbott and Dr. Hastings Hart. The basic principle of the Juvenile Court was the differentiation of child and adult. The child was not to be proceeded *against* as a criminal, but was to be protected as a ward of the state: hence proceedings were begun not by *complaint*, but by petitions. It was not the state *versus* the child, but the state *in behalf* of the child. The term offender, or criminal could not express this legal philosophy of chancery court action.<sup>1</sup> So a new term was applied—*delinquent*.

The etymological meaning of delinquency is neglect (from the Latin *delinquere*). "Delinquent taxes" is a phrase showing the common use. If we apply the term to an erring child we mean he has committed some act, or omitted some duty which places him under legal compulsion to comply with the standards of conduct set by the community, in law, ordinance, or parental custom. The means of exercising this legal compulsion are presupposed to be parental, derived from the power of the state to exercise guardianship over minors, drunkards, the insane and spendthrifts. "The care, custody and discipline of a child who may be declared a ward of the Juvenile Court shall be, as nearly as may be, that which should have been given by the parents."<sup>2</sup>

This recognition of the status of the young offender underlies the entire philosophy of the original Juvenile Court. It implies a sequence of concepts as a result of the status of immaturity. The immature is something unfinished, still growing, still amenable to education, still in need of protection and still to be limited and restricted in motion, choices, freedoms and self-determinations; still to be surrounded with the privileges and immunities of infancy. Implicit also is the concept that the child is an asset to the common welfare, to the state. If the parents are so ill, ignorant, depraved or impoverished that they cannot rear the child, the child is still to be saved, and not wasted. Implicit also is the concept that the state will use its great power and resources to get all the facts surrounding the child and to set up a programme of social treatment. This concept has been affirmed in Supreme Court decisions when the right of the Juvenile Court to admit evidence allegedly irrelevant has been upheld. In case after case the Supreme Court affirmed that the purpose of the law was to inquire

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<sup>1</sup> Cal. Laws 1909, c. 57, § 23: "A court order adjudging a child dependent or delinquent under this Act shall in no case be deemed a conviction of crime."

<sup>2</sup> Cal. Laws 1909, c. 57, § 27. Many states have a similar statement.

into all the circumstances that threw light on the nature and needs of the child so that he might be saved.

That these concepts introduce a new spirit of science into the law is asserted by the philosopher Mead who says:

It is in the social problems that we have as yet difficulty in making use of this method. We cannot approach the questions of property, of the family, or of the criminal without assuming a proper order which the history of the past reveals to us. Let me bring out the difference in a procedure within a social problem in which we have in a measure made use of scientific method. I refer to the juvenile court. In the case of the juvenile offender the court may undertake to discover the reasons for the child's delinquency. Parents, schoolteachers, social workers, neighbors, probation officers, as well as those affected by the child's misconduct, may all be called in not so much to find out whether a certain criminal act has been committed but to find out why the child is delinquent and to work out some hypothesis of a reconstruction of the child's social situation which may change his habits and attitudes. The procedure is that of the physician and health officer in seeking to check a disease. There is no law of evidence. Everything that can make the situation comprehensible is welcome, and any course that will bring the child back into normal conduct is allowed. In the court to which the adult criminal is brought, crime is defined by a historical institution, with values that have been previously fixed by legislation. The problem is to give the act its proper definition under the terms of an enacted statute and then punish it according to a gradation of penalties which the institution of criminal justice has approved. Only in *Erewhon* would we proceed in this fashion with the sick. We call our punishments means of repressing crime, but we would be unwilling to test them scientifically and substitute entirely different methods of checking crime if they could be found. Retributive justice has a sanction which is too deeply imbedded in our past to be abandoned. We are as yet unable to approach the discovery of what crime is, as we seek the cause of measles or of cancer. Our institutionalized past has determined for us what they are. As, however, in the juvenile court the other method appears, so we find in dealing with divorce, with public utilities, this approach indicated if not adopted, that is, we undertake to find out what the values are in present experience and abandon the time-honored definitions. But the situation is so complex and difficult that the intellectual lag promises to be long in correction.<sup>3</sup>

The concept of delinquency as neglect raises the question also, whose neglect? Is the parent or the child responsible for the delinquency? The Juvenile Court Law has a section: "any adult whose act or omission causes or tends to cause a person (under Juvenile Court age) to come before the Juvenile Court may be charged with contributing to the delinquency of a minor".<sup>4</sup>

But a larger question is raised: is not society also responsible and

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<sup>3</sup> MEAD, *THE PHILOSOPHY OF THE ACT* (1938).

<sup>4</sup> Cal. Laws 1909, c. 133, § 26.

should not the community meet this responsibility with means to control, to treat and to prevent delinquency?

### *The Administrator*

From the point of view of the administrator dealing with child welfare juvenile delinquency presents a problem like public health. There is a general level of wholesome conduct to be fostered in the group in schools and in public and private agencies devoted to child welfare and there are individuals who show danger signals. To the individual child predelinquency appears as suffering. In general terms it may be described best as tension. This tension may appear as aggression, or as disinterest or withdrawal. Prompt diagnosis is essential and this should be no superficial matter. One looks in vain for a thorough study made in childhood of individuals who have later become serious criminals. The danger signals are remembered at the trial. Truancy, restlessness, insensitivity to the feelings of others, lying, cruelty, rebellion, et cetera, are brought out as teachers or social workers remember them. If a pupil showed small pox symptoms the Board of Education would not brush off an accusation that they were negligent because they supposed the child would out-grow these symptoms. So the time may come when danger signals of delinquency will be given prompt, thorough diagnosis.

The administrator of a specific agency for the treatment of the individual delinquent—a court, a clinic or an institution—should rely on the method of classification. A classification committee should make the diagnosis and prescribe the treatment case by case. The physician, social worker, psychologist, teacher, psychiatrist and chaplain should give the results of their individual study of the case. There should be discussion, verification and challenge of each other's findings. During this process the administrator should not assume the role of dictator but use his skills to see that everything pertinent gets into the pool. The successful understanding and treatment of delinquency comes only by team-work. The administrator is the one who coordinates. He furnishes the dynamics which lead to action.

The administrator also must be a recruiting agent to attract to his agency the best young brains from the various schools. Under him recent graduates in medicine, social work, teaching, pastoral counseling training courses, psychology and psychiatry and group therapy will be trained.

The final responsibility of the administrator is to see that cases are used by other agencies and civic groups for teaching community

awareness of the total problem. When public opinion is informed we may see social action.

### *The Specialist*

It is commonly agreed among social scientists that the most fruitful concept of the last twenty years is that of culture. To the anthropologist culture is a term which explains the survival of communities by means of a way of life. To inculcate the youth with practice in the use of tools (i.e., the economic basis) and rules, habits, custom, morality and religion is the duty of the whole community. Primitive peoples lay great stress on this inculcation of youth but are less severe when youth makes a mistake. We, in America, reverse the process. We inculcate youth hardly at all, but we punish severely. No civilized nation gives adolescents such long prison terms, or puts so many to death as does ours.

Responsibility for our breakdown in culture must be divided between religion and science. In our work with delinquents there is a missing component. For the individual it may be described as lack of positive values. We may assume it is the duty of religion to inculcate these. For the community it may be described as lack of insight into the causes of delinquency. We may assume it is the duty of the specialist to spread knowledge of his scientific findings. Is the specialist fully aware that he should carry the responsibility for his professional activities? A number of scientists here and abroad, recognizing the dangers of a destructive application of their findings in atomic research have banded together in the "Society for Social Responsibility in Science".

When the social sciences recognize the opportunities for constructive use of their findings in the understanding, control and prevention of delinquency we may expect to see results.

### *The Citizen*

Knowledge of the extent of juvenile delinquency is hard to get. The citizen who wishes to know trends for purposes of comparing various states and time-spans in relation to the numbers of delinquent children will receive little help. The Federal Children's Bureau began the compilation of accurate statistics from cooperating Juvenile Courts about twenty years ago. But not all the courts in any one state and not all the states have lent themselves to the plan. However these are the most reliable statistics we have.<sup>5</sup> The trends downward seem

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<sup>5</sup> See articles on Juvenile Delinquency in Encyclopedia Britannica Year Books for 1940 to 1949 by Miriam Van Waters.

correlated with community movements for Child Welfare. The trends upward seem influenced by war and after-war social changes.

Recently a coalition of federal agencies dealing with youthful offenders has set the pace for getting all the quantitative facts on a uniform basis. Citizens conscious of their responsibility for guiding programs for the control and prevention of delinquency may soon expect to know at least the extent of the problem.

The citizen's interest is threefold—personal, humanitarian and financial. Delinquent conduct and attitudes spread by imitation. Juvenile delinquency operating in a very few individuals in a school may spread like an infection. Anybody's child may be a potential victim, or carrier. It is not safe to neglect any "case" of delinquency any more than one can neglect a case of tuberculosis. To ignore slums, poor housing areas, doubtful liquor licenses, corrupt politics, violated child labor laws, isolated, run-down rural areas, commercialized vice, debased newspapers, and movies and comics is to menace your own children. This is the gospel social workers and watchful Parent-Teacher groups have been preaching for years.

The enlightened citizen with a social conscience is concerned also for all children. This is evident in an increasing membership in volunteer agencies, Big Brother movements, Boys and Girls Clubs, and a variety of character-building organizations. Every delinquent child is a local casualty, a direct challenge to the neighborhood; from this point of view it is a mistake to call delinquency a national problem. Yet it is only by a combined effort of all the neighborhoods, pooling their individual, community, state and national forces that it can be conquered.

Further volunteer social action shows a trend to establish consultation and clinic services for adolescents in need of guidance and counselling. These services use social workers, psychologists and psychiatrists. Their spirit is unmistakably serious, scientific and dedicated. Many are church-supported but non-sectarian in intake. An outstanding example is the Youth Consultation Service of New Jersey.<sup>6</sup> Official juvenile probation officers use these services, as well as other public agencies.

For the citizen juvenile delinquency has an appeal for the outpouring of his major efforts. Where technical skill is lacking in public agencies, groups of citizens see that it is employed and paid. Where acts of friendship are needed, volunteers offer themselves. Thus history repeats itself. The first psychological clinic for children in the world was

<sup>6</sup> Miss Daphne Hughes, Executive Secretary—Youth Consultation Service, 27 Broadway, Newark 4, New Jersey.



established by a private citizen in Chicago in the same year the Juvenile Court was founded.<sup>7</sup>

### *The Lawyer*

While laymen launched the crusade which recognized the evils of submitting children to the jails and police courts and called for the creation of new legal forms to protect childhood it was to the lawyers to whom we turned for structure and stability. Some remarkably fine men and women lawyers have been Juvenile Court judges. The socially minded young lawyer has a task to perform with reference to juvenile delinquency. There are both evils to correct and new goals to be won.

First, the lawyer should be the guardian of the civil rights of minors. Gone are the days when cases were taken to supreme courts to protest an "illegal" commitment of a youth to a "training school" because there was no jury. Families nowadays seem all too ready to see their offspring "sent away". Where there are proper Juvenile Courts this possibility is recognized and the child's need of counsel is accordingly less. Probation officers are mindful of the best interests of the child. But in that vast area where minors are not subject to Juvenile Court jurisdiction but fall into the mill which grinds out petty criminal matters, youth may not fare so well. In those idealistic days when the Juvenile Court proclaimed its gospel of protecting children who would have thought youth would ever be tortured in third degree in most of our leading cities? Lawyers should take up this wholly illegal method of obtaining evidence and getting confessions. Public opinion would not tolerate it if the dark violation of civil rights in a few cases were made known.

Next, the young lawyer should be the ally of science. Psychology and psychiatry have a hard row to hoe in courts. Juries do not understand them. Prosecuting attorneys can easily turn their findings into ridicule by appealing to popular prejudices. Yet the social sciences which throw light on the darkness of human behavior have come to stay. Without them there is chaos and injustice. Social workers too should have young lawyers as their interpreters in juvenile delinquency cases. The lawyer should be the bridge between the old and the new. Apprenticeships or internships should be served in Legal Aid societies, in probation offices, in voluntary defender's leagues. The Junior Bar Associations should take the lead in these matters.

Finally in the field of legislation the lawyer has a great opportunity. Public opinion is ready to go a long way in improving the laws to treat and prevent delinquency. The elimination of outmoded and archaic

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<sup>7</sup> Mrs. William F. Dummer, Chicago, Illinois.

criminal proceedings and the substitution of flexible educational measures would save countless youths from criminal careers. The various Youth Authorities and Youth Service Boards which give broad powers and extend guardianship authority have already been endorsed by Bar Associations. But the pioneer work should be developed and strengthened. Much of the juvenile delinquency we now have has been conditioned by faulty handling and made worse by the very instrumentalities we have set up to correct it. Only by complete segregation of the Youthful Offender from the adult criminal and all criminal proceedings can the beneficent work of science and religion solve the delinquency problem. In the development of new laws for a new world the lawyer has his opportunity to make a lasting contribution.

### *Conclusions*

The diagnosis and treatment of delinquency is a persistent social problem. It is inherent in our culture. No community or economic class is immune but its most grievous end-results fall upon the poor, the uneducated and those in minority groups. For this reason improvements in housing, in public schools, in labor-management conditions and in race relations and in the development of social resources tend to reduce delinquency. But the essential factor is the individual.

Therefore the use of tools of the psychologist to explore the dynamics of child behavior should be applied early in all cases of difficulty. Difficulty is usually manifest in suffering and tension. Projection tests, such as the Rorschach and Szondi, will prove useful in getting at the child's motivation so that the inner emotional drives may be reached, instead of the symptoms of delinquent acts.

Treatment requires a combined use of science and religion.

A better method of statistical analysis of the problem is being worked out by various federal agencies which handle juvenile delinquency. Each community should know accurately the number of cases it produces. This has been done by local surveys. In some areas the delinquency trend has been lowered, notably Boston, New Jersey, San Francisco, Detroit, Buffalo and Richmond during the last three years.

In all these areas important services are being given by volunteer social agencies. Our attitudes tend now to enlist the aid of specialists for diagnosis and treatment and then to awaken public opinion as to community responsibility.

The chief obstacles stem from political controls and changing administrations which block, or interrupt constructive work. To carry out a program for the elimination of child delinquency both stable adminis-

tration and spontaneity are necessary. Stability is attained when there is a fixed goal and continuity of purpose. Political patronage in achieving its objectives interrupts the work. Many public agencies suffer from this defect. The story of failure of some state correctional systems can be explained in terms of corrupt politics. Spontaneity is required because the whole field of understanding and treating human behavior is in a stage of rapid change. Experimental dealings are necessary in all fields of a pioneer science. Freedom of research and initiative are destroyed under bureaucratic control. If the public is sincere in its desire to free American childhood from the blight of delinquency there is knowledge and skill enough to do it now, provided the work is undertaken as a major public health problem.